SUBMISSION TO THE ABORIGINAL JUSTICE INQUIRY

APRIL 25, 1989

Manitoba Attorney General

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1. PREAMBLE

The information in this report is organized with a view to providing general information about the Attorney General's Department and specific references to aboriginal issues. In terms of presentation of information, sections are organized according to the separate entities within the Department (i.e. Law Enforcement, Courts, etc.) with a focus on issues that are of special interest to the Aboriginal Justice Inquiry and to aboriginal people.

Issues that were judged to be of particular interest in the aboriginal context were included either because they have been raised with the Inquiry or the Inquiry has indicated interest in obtaining specific information about these issues.

This document is not meant to be exhaustive and further information will be provided on request. It is hoped that this report will provide a basic review of the Attorney General's structure and services with particular emphasis on aboriginal issues.

2. INTRODUCTION

(a) Mandate of the Department

The Department of the Attorney General employs a staff of over 2000, located in 29 areas outside of Winnipeg, and a further 16 locations in Winnipeg. The annual budget is over $130 million.

The Department has seven divisions, each headed by either an assistant Deputy Minister, an assistant Deputy Attorney General or an Executive Director. The seven division heads report directly to the Deputy Minister, who reports to the Attorney General.

The seven divisions are: Administration and Finance, Courts, Criminal Justice, Justice, Property Rights, Legislation and Legal Translation, and Corrections These divisions include all operating sections in the Department, and are responsible for providing services to, and appropriate contact with, all boards, agencies and commissions for which the Department of the Attorney General has responsibility.

The mandate of the Department reflects the statutory responsibilities of the Attorney General, outlined in Section 3 of *The Attorney-General's Act* (R.S.M. c.13) and the traditional responsibility of the Attorney General for the integrity and improvement of the justice system in Manitoba. The Department is charged with:

- providing efficient and fair policing, law enforcement, criminal prosecutions and related services throughout the province;

- providing court services to ensure the efficient, orderly, and impartial settlement of both criminal and civil disputes;

- providing a full range of civil legal services to the departments and agencies of the Government of Manitoba, including legal advice, the preparation of legal documents, and the conduct of litigation;

- providing legislative drafting and legal translation services to the Legislature and to the departments and agencies of the Government of Manitoba;

- providing programs and services necessary for the protection of individual and property rights;

- assuming responsibility, in cooperation with other departments, and the central agencies of government, in the planning, development and implementation of government policies related to the Constitution, Human Rights and law reform.

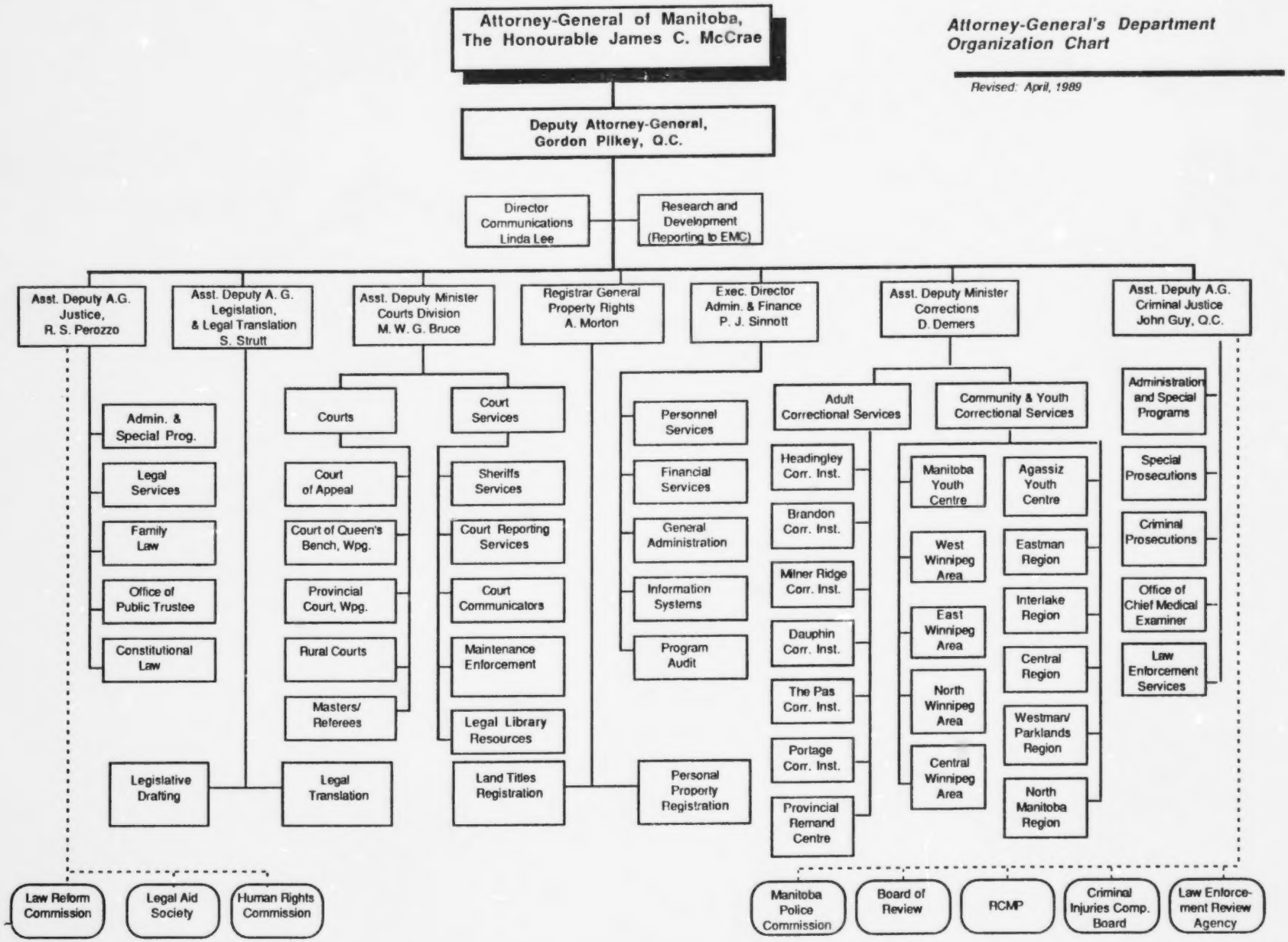
- providing a safe, secure environment for the protection of the public, reintegration of the offender through the provision of institutional and community based programming, and use of alternative measures

(b) Organizational Chart

The following organizational chart provides further information about the structure of the Department.

Attorney-General's Department Organization Chart

Revised: April, 1989



3. LAW ENFORCEMENT

(a) General

The Law Enforcement Branch of the Department ensures the delivery of policing and law enforcement services within the province. The Branch monitors and coordinates all services under its direction, deals with the RCMP in both its contract policing and federal policing roles, deals with fifteen municipal forces (the largest of which are Winnipeg and Brandon), supervises the licensing of private investigators and security guards, administers the Federal Firearms Control legislation, conducts investigations for government departments and handles all other matters related to the provision of law enforcement services in Manitoba.

Under the supervision of a Director, the Law Enforcement Branch has a staff of seven. It utilizes the second largest portion of financial resources within the Department, with the RCMP contract representing almost 25.8% of the Department's annual budget, or approximately $34 million per year.

Provincial policing in Manitoba is provided by the RCMP, funded through a federal/provincial cost-sharing formula. The RCMP provide policing services in all municipalities, towns, villages, reserves, and local government districts which do not have their own municipal police. The Director of Law Enforcement monitors the services provided and makes recommendations regarding staffing, equipment, and policies. There are 72 rural and 24 municipal RCMP detachments throughout Manitoba. In 1987/88, the province paid 64% of the costs of maintaining the RCMP, and the federal government paid 36%. The province's share will increase by 2% a year to a maximum of 70% in 1990/91 when the present contract expires.

(b) Native Policing

Basically, there are two models for on-reserve Indian policing programs; those that are controlled by Indians or Band Councils (3a) and those that are a contingency of a non-Indian controlled police force (3b). These definitions are derived from the Report of the Task Force on Policing on Reserves - 1973.

In Manitoba, there are four types of policing programs: the Band Constable Program (Option 3a) the Dakota Ojibway Tribal Council Police Program (Option 3a), the RCMP Indian Special Constable Program (3b) and the Community Constable Program (provincially funded).

The **Band Constable Program** was developed as a result of Circular #55 (September, 1971) from the Department of Indian and Northern Affairs (DIAND). In this circular DIAND indicated that it recognized the need for bands to organize their own police service and it outlined basic departmental policy on this program. The Band Constable Program is solely funded by DIAND as per the terms, conditions and levels of funding outlined in Circular #55. The local Band is responsible for residual

costs not covered by DIAND. According to Circular #55, the purpose of Band Constables is "to supplement locally the senior police forces (RCMP) but not to supplant them". Their authority is limited in that they can only handle situations of a "civil nature" such as the enforcement of Band by-laws, their jurisdiction is limited to reserves and they are not authorized to carry sidearms.

The **DOTC Policing Program** is the second type of Indian controlled policing program that services Manitoba reserves. The policing program was originally conceived by the Dakota Ojibway Tribal Council and begun in 1977 with the following major objectives:

To recruit and maintain Indian police residents of southwestern Manitoba reserves (Indians policing Indians) in order to :

- prevent crime on the reserves;
- reduce the number (and hence the costs) of prison terms received by residents; and
- improve police services received by Band members.

D.O.T.C. Constables receive a provincial Special Constable appointment "in and for the province of Manitoba" but their recognized status is primarily the D.O.T.C. reserves. One of the unique features of this program is the formal, written delineation of duties which has existed with the R.C.M.P. since the formation of the force. Constables enforce provincial statutes and Band By-Laws and they share investigative responsibility with the R.C.M.P. A copy of the delineation of duties is attached in Appendix A. The D.O.T.C. Police Commission governs the police force and is comprised of Chiefs from the member Bands, one R.C.M.P. member, one representative from DIAND and one from the Attorney General's Department.

One of the unique features of the D.O.T.C. Program is that a substantial emphasis was to be placed on crime prevention activities with less emphasis on the more traditional enforcement approach to policing. The force has a mandate for 25 officers, but due to recruiting difficulties and attrition the full complement has not been filled.

The third major type of policing service provided to some Manitoba reserves is **The RCMP Indian Special Constable Program** (Option 3b). Established in 1973, the purpose of this program is to provide more effective policing of Indian communities by Indian police officers. The funding of this program is shared by DIAND(46%) and the province concerned (54%).

Indian Special Constables in Manitoba are recruited and employed by the RCMP. They report directly to the local detachment commander rather than the Band Council. Unlike regular RCMP constables who may be posted anywhere in Canada, Indian Special Constables are usually posted back to their own areas and are always kept within the province. The purpose of this approach is that it is felt they will be most

of use in their own area due to familiarity with language, culture and social problems.

The final type of policing service is the **Community Constable Program.** This program was first established in 1972 and is completely funded by the provincial Department of Northern Affairs. Community Constables are employed on contract in their respective communities and the contracts provide a delineation of duties which they perform in conjunction with the RCMP. The Community Constable reports offences to the nearest RCMP detachment at which point either the RCMP officer and/or the Community Constable will investigate as the situation dictates.

The Department of the Attorney General provides training for Band and Community Constables, assistance with equipment purchases i.e. uniforms etc. and recruitment and background checks in order to facilitate their appointment as Special Constables in and for the province of Manitoba. Two to three weeks training is provided with RCMP instructors and other experts in various areas. In addition, ongoing advice and operational support is provided as required. Also local RCMP officers (provincial police force) also provide on the job training and operational assistance.

Appendix B provides numbers and locations of Indian Special Constables, Community Constables and D.O.T.C. Police Department Reserve Detachments

(c) Federal Indian Policing Policy Review

A federal exercise to clarify native policing issues and to develop a federal policy was begun in the early eighties. An Interdepartmental Task Force was established, composed of federal representatives from interested or affected Departments. The mandate of this Task Force was:

> "to develop a clear statement of federal policy objectives in the area of Indian policing and to clarify the obligations of DIAND and other federal government departments for policing services to Indians taking into account federal/provincial jurisdictions and the existing services delivery systems; to examine the appropriate responsibility of federal, provincial and Indian governments and to make recommendations regarding the resourcing standards of service and delivery systems of policing services to Indians."

In 1987, consultations were held with provincial governments, aboriginal groups, law enforcement agencies and others. However no final report has been forthcoming and there is no indication of when this report is likely to be distributed.

The province of Manitoba is committed to the concept of Indians policing Indians but is reluctant to increase its support of existing Indian policing programs or support new programs until federal policy is developed. The major concerns of the

province are that the Indian people preserve the special trust of the government and that the federal government not load its responsibilities to the Indian government under the guise of Indian self government.

(d) Costs

The Band Constable Program:

The Department of Indian Affairs provides total funding directly to Band Councils for the Band Constable Program. There are approximately 62 Band Constables at approximately $12,000 per constable including equipment and other costs. However, this figure may recently have been increased.

The DOTC Policing Program:

From 1977/78 to 1988/89 the DOTC Program has received:

DIAND	$6,809,376
Solicitor General Canada	122,336
Government of Manitoba	1,305,000
GRAND TOTAL	8,236,712

The Special Indian Constable Program:

There are 30(3b) Special Indian Constables in Manitoba. The province contributes 54% of the costs of these Constables for a total of $823,600. per annum. The job description of these constables requires that 30% of their time be spent in crime prevention activities. In addition, there are 10 Special Indian Constables that are subject to the same cost sharing formula as regular RCMP constables and the same job description i.e. without the 30% time allocation to crime prevention. Also 20 regular members of the RCMP are of aboriginal ancestry.

The Community Constable Program:

The provincial Department of Northern Affairs funds the Community Constable Program at approximately $28,500. per constable including equipment and other costs. There are 14 Community Constables in the province.

4. CRIMINAL PROSECUTIONS

(a) General

The Prosecutions Branch provides for the prosecution of criminal offences in Manitoba, including provincial, *Criminal Code* , and some federal offences, young offender prosecutions under the *Young Offenders Act (Canada)* , and special prosecutions related to particularly intricate cases involving commercial fraud of other matters.

The Director of Criminal Prosecutions supervises 50 lawyers and support staff. Personnel are based in several Winnipeg locations, as well as Brandon, Dauphin, Portage la Prairie, The Pas and Thompson. There are various court circuits which operate out of each area. Crown prosecutors are assigned on a rotation basis to the various circuits, and travel with the court party. A group of three lawyers handle the special prosecution cases.

(b) Young Offender System

1. Alternative Measure Screening

Once an arrest has been made and police have decided not to detain the youth at the Manitoba Youth Court, a copy of the police report is sent to Youth court Prosecutions. These reports are divided between Crown Attorneys who review the charges for suitability for alternative measures. The criteria used are set out in Appendix C. These criteria are interpreted in a manner which allows for flexibility and for extenuating circumstances to be taken into account.

If the alternative measures program is deemed appropriate, the report is sent to Probation Services Liaison, who direct it to one of the eleven justice committees in the City of Winnipeg. The allocation is made geographically, based on the youth's residence.

The Crown then has no further involvement unless the youth (a) does not accept responsibility for the alleged offence or (b) does not complete the assigned alternative measure.

The four Crown Attorneys in Youth Court divide responsibility for the eleven justice committees between them, providing advice. information and moral support, as required.

Because community volunteers are used, it is usually possible to respond to language needs of the young people. In Winnipeg, there is one justice community run by the Ma Mama Wi Chi Itata Centre which deals solely with native youth.

2. Out-of-Custody Court Process

Youths who are not detained but for whom the Crown authorizes formal charges, appear first on an intake docket at 408 York Avenue. On first appearance the charges are read and youths are reminded of their right to counsel. A paralegal representative from Legal Aid is present to take all applications for counsel. Adjournments in this court are for:

(a) appointment of counsel,

(b) provision of particulars.

Once particulars have been provided, charges are adjourned to one of three screening courts. Screening Court gives an opportunity for Defence and Crown to meet and discuss the case, and to attempt to resolve it without trial. In Youth Court trial dates are only set after this discussion has taken place and resolution can not be reached.

If the case is resolved either a guilty plea will be entered and the matter disposed of in screening court, or a pre-disposition report will be ordered and the charges adjourned for five weeks to allow for its preparation. It is estimated that only about 10% of youth court charges have trial dates set, others being resolved by way of pre-trial guilty plea.

3. Custody Court Process

Youths who are detained appear in court at the Manitoba Youth Centre within 24 hours of detention. The *Bail Reform Act* applies to youths and applications for release are based on the same criteria as those for adults. Where bail is denied the youth remains in custody throughout the process of screening, trial/guilty plea, and preparation of pre-disposition reports. Currently, a youth can obtain a custody trial date within 5 to 6 weeks.

4. Reviews of Custodial Disposition

Youths sentenced to custody are not eligible for either parole or remission of sentence. Instead a system of temporary releases (s. 35) and reviews (ss. 28 and 29) is provided by the *Young Offenders Act.*

Temporary releases can take the form of day-passes for school, employment or other programs. Longer releases - up to 15 days in length - are given for rehabilitation purposes or to reintegrate the young person into society. Section 28 provides for automatic review of any custodial sentence which exceeds twelve months, to be brought forthwith at the end of one year.

In such a review the court may:

a) confirm the disposition,
b) convert secure custody to open custody, or
c) place the youth on probation.

Review of sentences shorter than twelve months are also available.

5. Open/Secure Custody

In Manitoba, males who receive secure custody dispositions are held either at Agassiz in Portage, or the Manitoba Youth Centre. The latter placement is for those with short (less than 90 days) sentences, or for those who have shown a propensity to run from the unlocked door facility at Agassiz. Females are held at Manitoba Youth Centre. A list of locations used as open custody facilities is attached as Appendix C.

The court process for young offenders is illustrated in Appendix C and also provides information on the alternative measures process.

NOTE:

The Criminal Prosecutions Branch has submitted a separate "Crown Submission" which is appended to this report.

5. COURTS

(a) General

The Courts Division is responsible for the administration and the operation of all courts in the province as well as all essential services to support them.

During 1985/86, the Courts Division was reorganized into three distinct programs: Court of Queen's Bench, Provincial Court, Winnipeg; and the Rural Courts. The Rural Courts program is responsible for the courts outside the city of Winnipeg, including Court of Queen's Bench, Provincial Court, and the management of the Magistrate and the Justice of the Peace Program.

(b) Circuit Courts

Manitoba is faced with some enormous although not necessarily unique problems in the administration of justice. This province is over 250,000 square miles, and has a population of more than one million people. Approximately 70-80% of that population lives in our major urban areas. The remaining 20-30% of our population is scattered across more than three quarters of our territory.

This means our court system, which is charged with the responsibility of administering justice to all Manitobans, is faced with a difficult task in providing a reasonable level of service to every community. Under the existing schedule, we have been advised our Provincial Court sits in more remote locations than any other in Canada.

A number of different types of resources are required, one of which is non-government personnel such as Justices of the Peace and Magistrates. This resource is utilized to meet the increased need for essential court services not only in the remote areas, but throughout Manitoba, especially in those locations where there are no permanent court offices. These court officers have evolved to fill very specific functions within the court system and are residents of the communities they serve. Their training is given under the authority of the Chief Provincial Court Judge. Throughout Manitoba there are approximately 130 non-staff magistrates and justices of the peace (collectively called justices). These justices are primarily used to provide service in communities where it is not feasible to operate a full court office. In towns served by court offices, these justices provide after hours services as required. Justices are administratively controlled in their duties and have very clear jurisdictional limitations.

In considering how to best meet the demands for increased service, there are only three possible options. The first is to hold court in larger central locations and have the smaller communities travel to these centres. The second option is to have the court go into the community and the third is to have a court established in the community.

The first option, holding courts in larger central locations, while administratively efficient, would force all members of the community (accused, witnesses, etc.) to leave their community to attend court. This places the onus and expense on them to seek service from the court.

The second option, having the court go into the community, provides complete court service with a fully trained judge, crown attorney, defence counsel (legal aid), court reporter, and court clerk attending the sitting. However, this commits a full court staff to handle the community demand without discerning what functions could be dealt with by resident court staff (ie. justices). If the majority of service required in the community involves less serious offences, it would seem appropriate to utilize a resident court concept more.

The third option, is to establish a court in the community on a permanent basis to deal with all matters. There is a practical difficulty in having such resources as judges, crown attorneys, and defence counsel resident in each community. In addition, individual communities would not have a sufficient demand to support this approach. The fiscal strain on resources would be very prohibitive when compared to the acutal demand for services.

The best approach to providing an acceptable level of service, and the one currently being used and further developed in communities, is a combination of the second and third options. By bringing the court into the community, any offences of a more serious nature may be dealt with according to law with minimal disruption or inconvenience to the residents involved. This also eliminates the need and fiscal burden of establishing permanent judges and court staff in each locale. The further utilization of resident justices reduces the demand for the services of a fully staffed court, yet provides basic services in the interim between regular court sittings.

There are 16 court offices outside Winnipeg, which in turn coordinate the sitting of courts in more than fifty places. Under the decentralization of the courts, sittings are scheduled by the regional administrative centre. In the non-urban areas of the province, the sittings vary from weekly to twice a year depending on the community demand.

The Winnipeg court circuit holds sittings in 18 non-urban centres. Of these, six require the court party to fly in for the session. At the opposite end of the spectrum, the Thompson court circuit holds sittings in approximately 20 remote locations, accessing all except one via air. The remaining administrative centres access any circuit court sites via road.

Appendix D provides an example of the scheduling of circuit courts and other courts thoughout the province

(c) Magistrates and Justices of the Peace

In the modern judicial system, the offices of justice of the peace and magistrate are vital components in the efficient and comprehensive delivery of justice. The utilization of these judicial officers permits Manitobans greater access to their court system. They perform various duties throughout the province eliminating the need to congest our courts with the high numbers of relatively minor offences that are committed each year. They also provide legal services and carry out administrative duties on behalf of the court that give the judges additional time to hear the more serious offences.

The origins of the offices of justice of the peace and magistrate, collectively known as justices, can be traced back to the roots of our justice system in medieval England. When the English justice system was transplanted to Canada during the closing years of the 18th century, the justices were included.

Over succeeding decades, the powers and responsibilities of the justices changed and evolved as the justice system itself changed to meet the demands of the community. They are officers of the Provincial Court and derive their powers from *The Provincial Courts Act.* Under the terms of *The Act* , a judge is required to be a qualified lawyer, but the same restriction does not apply to justices.

All appointments as justices are made by Order-in-Council signed by the Lieutenant governor on the recommendation of cabinet. These appointments are valid for the entire province and have no defined duration.

Justices work in an environment that is much less formal than a courtroom, however, the rules of procedure and process they must follow are founded in specific and explicit laws. This less formal atmosphere allows the public immediate access to certain areas of the justice system with less hardship and greater cost efficiency to both government and public sectors. Administratively, there is no differentiation in Manitoba between the powers of a justice of the peace and a magistrate.

There are two classifications of justices, the full time staff justice (government employee) and the non-staff justice. The staff justices work in those court offices requiring constant attendance to deal with the large work loads. They are paid a regular salary as outlined in the Manitoba Government Employees Association agreement. Non-staff justices are utilized usually in non-urban areas where there is little or no demand for a full time justice and also provide judicial services in the after hours or weekends. Non-staff justices are paid on a fee for service basis in addition to a set monthly retainer.

Justices are limited in jurisdiction, functioning under the general supervision of the Chief Judge of the Provincial Court. Justices are totally independent in judicial matters but have a legal advisor available who works under the direction of the Chief Judge for consultation on matters of law, and office managers to provide administrative

guidance.

The justices do have a wide range of responsibilities and powers, but there are very distinct limitations to their office. Justices may not perform marriage ceremonies in Manitoba unless they also are authorized as a Marriage Commissioner. Fines imposed by a justice are limited in amount only by the specific act that has been violated. The acts usually have minimum and maximum fines already set out. Justices are allowed some discretion in assessing the amount of the fines against the severity of the offence, unless there are specific provisions in the act preventing it.

There are approximately 354 justices throughout the province. Of these, 89 are Departmental staff positions, 116 are in other government departments requiring regular services of a justice and 149 are non-staff positions. Since the demand for the services of a justice are related to the distribution of population, the majority of justices are located in the southern third of the province. Northern communities are served, but require fewer numbers to meet the demand.

There are no statistics available on what percentage of justices in the province are of aboriginal ancestry. A rough approximation could be made based on the location of the justice and the ethnic composition of the community, however this would be only a guess and therefore have questionable validity.

(d) The Court Communicator Program

The Attorney General's mandate for the effective delivery of justice has recognized the fact that, during the course of this delivery, a language other than English may be required to safeguard the rights of the accused. To this end the court communicators program was established to meet the needs of aboriginal Manitobans, in their own languages, when they come into conflict with the law.

The responsibility of the court communicators is to assist aboriginal people in developing a better understanding of their rights, interests, privileges and obligations in relation to the criminal justice system. The court communicator's role is to explain the court process, the nature of the charges involved, the possible outcomes of a court case, and to provide assistance in obtaining a lawyer. If assistance in filling out applications for legal aid or other benefits is required, the court communicators will assist the accused in that process as well. Most of their work is done outside the courtroom, consulting with clients' lawyers and performing other duties as required, They also attend court to provide guidance and support and can provide the court with relevant information regarding the accused.

There are 12 court communicators in Manitoba, under the direction of a chief court communicator in Winnipeg. The communicators are located in Fort Alexander, Brandon, Dauphin, The Pas, Thompson and Grand Rapids as well as Winnipeg. They travel to various locations within their assigned areas as required. The program is jointly funded by the provincial and federal governments.

(e) Interpreters

Manitoba's history is one filled with the difficulties of bringing different cultures together and recognizing their needs while trying to build a cohesive, viable society with all the required institutions to protect it. In this evolution, the court system has undergone some of the most dramatic adaptations in attempting to meet the needs of the community.

Over the course of this development, the courts system has remained steadfast in the basic commitment to serving Manitobans. To this end, the court system is capable of providing and arranging to have services delivered in English and French. The Courts Division also recognizes there is a very clear need to provide service in alternate languages to safeguard the rights of all Manitobans when they come into conflict with the law.

In matters of civil litigation, the parties involved assume all responsibility for ensuring interpreters are available in court.

In criminal court cases the procedure for including the services of an interpreter in the proceedings depends on where the request originates. If the Court is requesting the Interpreter, the Courts Division will take care of the arrangements. If the Crown requires one they usually secure the services through their own established procedure. If the defence counsel requires an interpreter in court, they usually arrange their own, but may ask the court for assistance if necessary, and the request would be forwarded to the Courts Division for action.

Under the authority of *The Attorney General's Act* by regulation, provisions are made for paying for the services of interpreters on a per diem basis. Interpreters may be hired through the Language Bank, or as independent contractors.

The Department has produced a Native Court Interpreter's Manual to provide a standardized explanation of the legal and technical terms encountered during the course of involvement with the criminal court system. It is designed for use by native or non-native interpreters, with simple phonetic pronunciations in Cree and Saulteaux dialects.

The demand for the services of interpreters in our courts has usually been minimal. If they are required, there are established routes by which arrangements may be made to ensure that language does not become a barrier for the justice system or the people involved in it.

(f) Transportation

There are three levels of courts within Manitoba, the Court of Appeal, the Court of Queen's Bench and the Provincial Court. The Courts Division of the Attorney

General's Department is responsible for the operation of all these courts within the provincial boundaries. This involves managing and supplying a wide range of support services such as court reporters, crown attorneys, court communicators, legal aid, and the sheriff's office to name a few.

The Sheriff's Office is responsible for several of the services required to operate the court system efficiently and securely. The major portion of this service concerns the transporting or escorting of prisoners between the place of incarceration and the court throughout the province. When necessary in non-urban areas, they will coordinate this duty with RCMP resources.

In situations where the accused is released on bail pending trial, or released when the trial is complete, the Sheriff assumes financial responsibility for coordinating the transportation of the person back to their community. This may include meals, accommodation and transportation to the point of departure. This service is available on request. Court staff such as the Court Communicators are aware of the services provided and may refer a person to the Sheriff's Office for assistance.

Arranging and ensuring the attendance of Crown witnesses is the responsibility of the Crown attorney's office. The witnesses may make their own arrangements and be reimbursed by the Crown. If required, funds known as "conduct money" may be furnished to the witness in advance to assist them in reaching court. The singular exception to this is if the witness is in custody for any reason. A person in custody requiring transport to a court becomes the responsibility of the Sheriff. Securing the attendance or transportation of a witness for the accused is the responsibility of the defence counsel.

The transporting and escorting of a jury is also a duty that falls under the jurisdiction of the Sheriff's Office. A jury sitting on a specific trial is escorted and supervised by a sheriff's deputy. The deputy safeguards the integrity of the jury process and provides services to the jurors as required. In a normal situation the jury members will travel to and from the court via their own methods. Allowances may be made for transportation costs incurred or other out-of-pocket expenses that are eligible for reimbursement, but these must be approved by the Sheriff's Office in advance. In the event a trial requires the jury to be sequestered overnight, lodgings are provided as long as needed.

The transportation of youths is the responsibility of the Sheriff's Office only when they are in custody. In other circumstances youths are under the auspices of other agencies or departments such as Probation or Social Services. In some situations the Sheriff will provide assistance in coordinating transportation for youths.

The Sheriff's Office escorts approximately 23,000 prisoners per year. Of these, approximately 50 percent are in Winnipeg, 11 percent in Brandon and the remaining 39 percent is attributed to other areas of the province. Adults comprise 83 percent of the persons transported under escort and youths represent the other 17 percent.

(g) Aboriginal Representation on Juries

Trial by jury has been an integral part of our justice system for centuries. Jury duty is a civic responsibility of every citizen, as well as being an opportunity for them to participate in the delivery of justice within their community.

The Sheriff's Department is responsible for assembling a group of people for the selection of juries for trials and this is called a jury panel. Under the terms of the *Jury Act* , a juror must be a resident of Manitoba, a Canadian citizen and at least 18 years of age. The *Act* , also includes specific exemptions and disqualifications from jury duty such as lawyers, members of the Attorney General's department, physical disability, illness, age or unusual hardship.

The names of potential jurors are drawn at random from computerized lists of the Manitoba Health Services Commission for the Sheriff's office. These are the most comprehensive, up to date lists of Manitoba citizens available. The computer is instructed to provide a certain number of names from each judicial district, using the postal codes within that district as the only terms of reference. Jury trials are held in Brandon, Dauphin, Portage La Prairie, The Pas, Thompson and Winnipeg. Each district acts independently in this process. There is no requirement to identify prospective jurors on the basis of any criteria such as ethnic origin.

These randomly selected names form a jury panel from which the jurors are chosen for a specific trial by the defence and crown counsels. Either counsel may accept or challenge the individuals as they are screened during the selection process.

The Manitoba Health Services Commission lists contain the names of the majority of residents in each of the judicial districts. Names are not chosen for the jury panels on the basis of their ethnic, cultural, social, political or religious origins and affiliations. They are chosen because they are members of the judicial district in which the accused faces trial. If the district has a high proportion of any specific group, there is every probability it will be reflected in the lists provided for jury selection.

Statistics on what percentage of jurors are of aboriginal descent are not kept. However in response to a query concerning the number of native Canadians on the jury in a recent trial, a closer examination showed the following results. Of 250 summonses issued in a northern jury district, 60 were identified on the basis of name and address, as being aboriginal people. It should be noted that using the name and address criteria is only a rough approximation of the person being of native ancestry. Of this group, 21 did not appear for duty or acknowledge the summons, 21 were excused and 18 appeared on the jury panel for selection.

The selection process is governed by sections of the Criminal Code and permits both the defence and crown counsels to refuse a number of jurors with or without reasons. The crown in this case did not exercise any rights of challenge and accepted

the first 12 jurors not challenged by the defence counsel. As a result of this process, no jurors of aboriginal ancestry were sworn as jurors.

It is possible that in some situations, counsel for the crown or defence may select jurors for their ethnic, cultural, political or religious origin if that will provide a specific insight into the case at hand. That is a decision that must be made by counsel and is their right to make in attempting to make the best possible presentation to the judge and jury on behalf of the crown or the accused. To dictate any criteria to counsel for jury selection, other than what already exists in the *Jury Act* , may be an infringement of the accused's legal right and could possibly contravene the Human Rights legislation of this province.

The random element of this selection process ensures complete neutrality and objectivity in providing counsels with prospective jurors.

(h) Court Delays

The problem of court delay is a problem clearly recognized within the Canadian legal system and is not unique to Manitoba.

There are many factors that have either directly or indirectly contributed to this problem. Cases now pass through the criminal justice system at a much slower rate due to closer scrutiny at each step of the process, more elections to higher courts and the increasing use of the appeal mechanism.

A society that is increasingly aware of their legal options in dispute resolution, a growing emphasis on individual and group rights, the increasing legislative and legal attention to family matters, are all factors contributing to a growing case load.

The introduction of the Canadian Charter of Rights and Freedoms and a number of legislative changes, such as the new *Divorce Act* and *Young Offenders Act,* have added to the delay.

In addition, there has been a significant increase in the volume of cases. A five year review revealed that the staffing levels in some sectors of the court structure have not been maintained in relationship to the increased demand for services. Staff shortages in several levels of the system, from the judiciary through to the court reporters, also inhibit its ability to meet the increasing demand for services.

The Courts Division did not have sufficient resources to cope with delay or fully support the present level of activities, trials and other matters not being scheduled within a reasonable time frame. Delay refers to the lack of readily available or suitable court dates for trial within reasonable time limits.

In the Criminal Court area of the Winnipeg Provincial Court, the most serious backlog of cases is eight months for those trials of less than one day. This means there

are approximately 3200 cases pending. In Summary Convictions Court there is an eight month delay in day and night sessions of Traffic Court and a 12 month delay in the Impaired Driving Court. The backlog of cases is approximately 4,000 for traffic court and 800 for the impaired driving court.

Court delay in the Rural Courts is almost nonexistent. Scheduling of court cases is running approximately 2.5 to six months, depending on the type of litigation and location. The increase in the court work load has been primarily in the Winnipeg offices and coincides proportionally with the population distribution in Manitoba. The staffing levels in the rural offices have been better able to deal with their comparatively smaller work load increases.

The Attorney General's Department is working on the overall court delay problem. Additional resources have been allocated and will be implemented according to the priorities set. The Courts administration is looking at various ways to better utilize existing resources within the Provincial Court, secure additional resources to alleviate the court delays, the best method of implementing or integrating these resources, and reviewing procedures to ensure all work loads are handled in the most effective and efficient manner.

(i) Sufficiency of Present Numbers of Provincial Court Judges

Manitoba's modern legal system is a direct descendant of the first courts held in the 18th century under the authority of the fur trade governors. From the very beginning the legal system has been in a state of continual evolution as it strives to adapt and change in meeting the needs of the community. Today's court system, supported by the Attorney General's Department, is still undergoing that evolution as the demands placed upon it come from more sectors of the community than ever before.

The courts are divided into three main areas of responsibility although in certain instances there are shared functions. The three courts of Manitoba are: the Court of Appeal, the Court of Queen's Bench and Provincial Court.

The judges of the Provincial Court of Manitoba are appointed by the provincial government, hear cases on a first time basis only, and do not hear appeals. This court has exclusive jurisdiction over all summary offences, and over some less serious indictable offences. Most indictable offences are electable, meaning the accused may choose to have the case tried in Provincial Court or Court of Queen's Bench. If the accused chooses Court of Queen's Bench, the preliminary hearing is held in Provincial Court.

The three major divisions of this court are Criminal, Youth and Family. The Criminal Division handles criminal charges against adults, Youth Court is responsible for all charges under the *Young Offenders Act* and the Family Division hears family disputes over child custody and maintenance but not divorce. Family Division

operates in all areas of the province except for Winnipeg and Selkirk, where family cases are covered by the Court of Queen's Bench Family Division.

There has been a significant increase in the volume of court cases. In determining the sufficiency of resources to meet these increases, you cannot isolate one sector, such as judges, only. The complete system must be examined and the inter-dependency or interaction of the resources within it reviewed. In addition to evaluating the adequacy of the resources, the process of how the actual work is handled must be examined to determine their effectiveness and efficiency.

In the past decade there has been a considerable increase in the number of court cases. To accommodate this growing work load, there are 39 judges in Provincial Court, with 30 in Winnipeg, three in Brandon, two in Dauphin, one in Portage la Prairie, one in The Pas and two in Thompson. In the Winnipeg contingent there is one vacancy, one supernumerary, and one contract judge.

There is provision within *The Provincial Judges Act* for the appointment and utilization of part-time judges. There are currently 10 of these appointments in effect. They are lawyers in private practise and are paid on a per diem basis. There are two part-time judges in Winnipeg and one in the Brandon/Dauphin area utilized on a fairly regular basis.

However, the question of an adequate number of Provincial Court judges has to be reviewed as part of an overall assessment of all the resources required by the court.

In the Criminal Court area of the Provincial Court, the most serious backlog of cases is eight months for those trials of less than one day. This means there are approximately 3200 cases pending. In Summary Convictions Court there is an eight month delay in the day and night sessions of Traffic Court and a 12 month delay in the Impaired Driving Court. The backlog of cases is approximately 4,000 for traffic court and 800 for the impaired driving court.

Some studies conducted within the court system have shown that it takes 1.5 judges to support a full time court room five days a week. Each Judge requires time for other duties such as writing judgments, studying law, attending conferences or seminars and earned vacations.

The court delay study suggested if two additional court rooms were used, for example, for criminal matters in the Provincial Court, this would increase the number of cases this court could hear by 2400 per year. This would reduce the backlog on criminal trials of one day or less from the present eight months to five.

The Attorney General's Department is working on the overall court delay problem, of which the number of judges is only one aspect. Additional resources have been allocated and will be implemented according to the priorities set. The Courts

administration is looking at various ways to better utilize existing resources within the Provincial Court, and are reviewing procedures to ensure all work loads are handled in the most effective and efficient manner.

6. CORRECTIONS

(a) General

Manitoba Corrections is an integral part of the criminal justice system with shared responsibility for the protection of society, reintegration of the offender, prevention of crime and the maintenance of law and order.

Programs are delivered through two branches, Adult Correctional Services and Community and Youth Corrections.

The Adult Corrections Branch is responsible for the care and custody of adult offenders who are detained in custody pending a court decision on their charge(s) or who are sentenced to incarceration in a provincial institution (for periods up to two years less a day).

The Community and Youth Corrections Branch is responsible for all youth correctional services in the province and for community correctional services for adults. This includes the administration of the Community Service Order and Fine Options Programs.

All available statistical information on the provincial correctional system is included in Appendix E.

(b) Adult Correctional Services

Adult Corrections operates seven correctional institutions and two work camps in Manitoba in which are held adults awaiting court disposition and those sentenced to up to two years less a day imprisonment. Most inmates are sentenced to terms of six months or less and correctional programs are oriented to developing skills and work habits, providing alcohol treatment as required, encouraging basic literacy and educational growth, and providing short term counselling.

The institutions and work camps are described as follows:

Brandon Correctional Institution: is a modern facility which serves the Western Judicial District, as well as providing lock up services for Brandon City Police. In addition to gardening, housekeeping and food service work within the institution and its grounds, approximately 18 inmates are regularly employed in the parks program. Supervised work crews go out five days a week to cut bush and do other work assigned by Natural Resources Department, primarily in provincial parks. Inmates may be granted temporary absences to attend school, maintain employment outside the institution or attend a new job program through the John Howard Society. An alcohol and drug intervention program was continued. Alcoholics Anonymous meetings were held weekly, and a new counselling program was started for inmates having a history of assaults.

Dauphin Correctional Institution: is a small facility located in the courthouse building in Dauphin. Inmates participate extensively in the community and there is an open door policy for sentenced inmates. Approximately 30 inmates completed a six-week basic food services course developed by the institution's trades instructor. Inmates were employed in new work cutting trees and clearing bush for the town and rural municipality of Dauphin. Other developments included an increase in contract chaplaincy services from five to ten hours a week and construction of a fenced exercise yard for remand inmates. Two major staff training sessions dealt with AIDS and suicide prevention.

Headingley Correctional Institution: is Manitoba's largest correctional facility and receives sentenced males from the eastern, southern, central areas of the province, and Winnipeg City. In addition to its custody and public safety role, the facility offers a variety of programs and services aimed at assisting offenders to reintegrate successfully into the community upon their release. Such programs included counselling, education upgrading, chaplaincy services, Alcoholics Anonymous, recreational activities and temporary absence passes for the purpose of employment, education or compassionate reasons. The institution continued to place an additional emphasis upon expanding its work and employment activities. Significant progress was made, particularly in community assistance projects and services to community agencies. Headingley's community projects crew was active throughout the year. Ten large children's recreation and play structures were built and installed at day care centres, public schools and community clubs.

For the second year, inmate crews assisted Camp Assiniboia in roofing, painting and grounds clean up and an inmate crew worked at the Fort Whyte Nature Centre. A new crew was established to assist in the provincial Dutch Elm Disease Control program. Traditional work crews were maintained for the Highways, Natural Resources, Government Services, and Education departments and Manitoba Hydro.

In 1987, a new program involved the production of tables, chairs, bookcases, children's furniture and other wooden products for non-profit agencies, particularly day care centres, and some government departments. Another new program involved the production of wooden pallets for the Canadian Mint.

The Christmas toy repair program was expanded and is now being done on a year-round basis. Toys are provided to social agencies, hospitals, day care centres, church groups and Indian reservations. In the Christmas season alone, more than 10,000 toys were distributed to these agencies. Approximately 200 wooden toys per month were produced at Headingley for non-profit agencies.

Bannock Point Camp: is an open facility located in the Whiteshell Provincial Park and functions as a satellite of Headingley Correctional Institution. It operates a small sawmill and considerable production work done in 1987 to rebuild the Egg Lake Camp. In addition, work crews contributed nearly 5,000 days of labor for the Natural

Resources department, almost 2,000 days for the Highways department, and almost 2,000 days for Manitoba Hydro. Camp staff and inmates also worked at the new Milner Ridge Correctional Centre assisting in renovations and other start-up activities. Bannock Point inmates were involved, as needed, in forest fire fighting in the area.

Portage Correctional Institution: has operated as a correctional facility since the turn of the century and has been the sole provincial institution for female offenders since 1945. All correctional officers are involved in developing individual program plans for inmates with an emphasis on planning for their transition into the community after release. Red River Community College established an Adult Basic Education Centre on site, providing inmates educational opportunities, particularly upgrading and life skills. Inmates continued to perform volunteer work for non-profit organizations in the area, and operated another mobile food service project for farm laborers in co-operation with the farm labour pool. The institution received support and assistance from many community organizations including Ma Mawi Wi Chi Itata Centre and Elizabeth Fry Society.

The Pas Correctional Institution: has been operating since 1982 in The Pas and serves all communities north of the 53rd parallel. It has a small female unit and a short term holding unit for youth. A number of inmates work in the kitchen, as well as in housekeeping and general maintenance. An inmate work crew works daily under the supervision of a correctional officer on Highways Department projects. Educational opportunities were available through temporary absences to Keewating Community College, General Education Diploma and self-study involving the computer-assisted learning. Inmates participated in a variety of recreational activities including a hockey rink maintenance as a community service. A contract was developed with The Pas Friendship Centre to provide full-time counselling and referral services to inmates in Native language.

Provincial Remand Centre: is located in the Winnipeg Public Safety Building serving the eastern, southern and central areas of the province and Winnipeg City. It is a secure facility for men and women awaiting court appearance, trial or sentencing. Recreation and other activities were severely limited by space and design limitations, and experienced overcrowding during much of the year. New programs included development of a classification system aimed at separating inmates by security level., the introduction of a volunteer tutoring program for inmates, and an expanded counselling program to provide better services to suicide prevention.

(I) Native Services in Adult Corrections

Provincial Remand Centre

Remand or pre-trial inmates have access to the services of the Court Communicator Program offered through the Court Services Division of our Department.

No other exclusively Native program/service is offered by the institution.

Headingley Correctional Institution

Headingley contracts with Native Clan Organization for several services to native inmates. Two workers from Native Clan are based at Headingley and maintain a counselling caseload, make referrals to community-based programs, screen applications for Regina Halfway House, facilitate and encourage Native culture and events through native Brotherhood Society. Regina House is a halfway house located in Winnipeg whose primary goal is to assist native offenders reintegrate to the community after a period of incarceration. Native Clan received a general purpose grant of $68.2 in 1987-88, Regina House received $64.7 for placlements made in the 1987-88 year. Native Clan regularly submits audited statements and quarterly activity summaries. Native Clan has provided service to Corrections for more than 10 years.

Portage Correctional Institution

Portage Correctional Institution provides specific services to Native women inmates through the Ma-Ma-Wi-Chi-Itata organization. A worker attends the institution weekly to counsel Native inmates and is also involved in working with the families of offenders in the community. In 1987-88, funding for Ma-Ma-Wi-Chi-Itata was transferred from Corrections to Child and Family Services, Department of Community Services. The 1987-88 funding level was for $30.0.

Brandon Correctional Institution

Brandon Correctional Institution does not fund or directly provide programs/services exclusively for Native inmates. However, this year a Native Correctional Officer Training Program will be started at Assiniboine Community College. Designed to graduate twenty (20) Native Correctional Officers, this training program is funded by the Government of Canada (C.E.I.C.) and the Manitoba Government.

Dauphin Correctional Institution

Dauphin Correctional Institution does not fund or directly provide programs/services exclusively for Native inmates.

The Pas Correctional Institution

Since November, 1987 a Native Liaison case worker has been working out of The Pas Institution. The service is provided by The Pas Friendship Centre under contract to Adult Corrections. The 1988-89 budgeted funds for this position are $30.9. The Native Liaison worker at The Pas provides roughly the same type of services as Native Clan at Headingley.

(ii) Issues in Corrections

1. Adult Corrections has strongly encouraged and emphasized affirmative action policies for natives, with varying degress of success. Corrections has reviewed all educational/experiential requirements for Correctional Officer positions. Most employees start on a part-time basis and then compete for permanent positions. We do not receive many native applications.

The Assiniboine Community College and Corrections are jointly delivering a Correctional Officer Certificate Program which is comprised exclusively of native people. Natives have also been encouraged to apply for similar programs offered at Red River Community College and Milner Ridge. More effort will be require to advertise effectively to the native community to ensure that qualified native people are aware of correctional opportunities. Currently, as reflected in Appendix E, more native staff are required for Headingley Correctional Institution and Provincial Remand Centre, and to a lesser extent at Brandon Correctional Institution, Milner Ridge Correctional Centre and Portage Correctional Institution.

2. Corrections has been supportive of developing programs to promote native spirituality, such as a policy permitting the use of sweetgrass in adult institutions. We have experienced difficulty in obtaining sources of native Elders in our institutions. We have approached all large bands represented by the major tribal councils in Manitoba. Band Councils are reluctant to make the services of an Elder available in some cases, and in other cases geographic factors make delivery of services difficult. Some institutions as a matter of philosophy. A more effective mechanism must be developed to obtain the mutual support of native communities to the specialized needs of Corrections.

3. Corrections has attempted to improve awareness and sensitivity to native issues and native people through native awareness training. This training is now integrated into the basic training of all correctional officers as a condition of employment. Specialized native awareness training is also delivered to non-correctional officers.

This training has had an increasingly positive effect on correctional officer behavior resulting in a decrease in the number of instances where conscious discriminatory remarks or other racial actions occur. The presence of native staff has also served to mitigate against the incidence of social discrimination. We will continue to recruit actively in this area.

4. Corrections is in the process of establishing "core" programs in all institutions that will be available to all inmates on an equal basis. Substance Abuse, Anger Management, Job Skills, Life Skills and Education programs are open to native and white inmates. Native and white inmates are encouraged to participate jointly in all programs on an equal basis.

Corrections believes that all programs are open for participation to the entire inmate population, including native programs. The extent to which native inmates participate in institutional programs in temporary absence is demonstrated in Appendix E. The majority of our releases on temporary absence are natives. There appear to be a higher representation of natives involved in disciplinary hearings compared to non-native inmates.

Informal feedback from our institutions indicates that natives and white participation in programs is equal or in proportion to their representation in the total inmate population.

5. It is the perception of Corrections that although sufficient mechanisms exists for resolution of inmate complaints, they are infrequently used by native inmates. It may be worthwhile to consult with the Office of the Ombudsman to further determine usage by native inmates of redress mechanism and to see if more appropriate mechanisms can be developed.

6. It is the perception of Corrections that native inmates at the pre-trial stage are less likely to receive bail or apply for bail under the currrent system. The decision to grant bail often involves the verification of an address of relatives or family, as well as access to financial resources. In both of these categories, socio-economic factors would tend to mitigate against the native offender. An in-depth study should be undertaken in the area of pre-trial detention as it affects natives.

(c) Community and Youth Correctional Services

The mandate of the Community and Youth Correctional branch is:

- as part of the criminal and youth justice systems, to contribute to crime prevention and the protection of society;
- to provide and promote programs so, when appropriate, offenders may be dealt with by menas other than judicial proceedings;
- to provide and promote sentencing alternatives so, when appropriate, offenders may be dealt with in the community instead of committed to correctional institutions; and
- to provide humane and constructive custody programs for young offenders and facilitate their reintergration into society.

The mandate also emphasizes the importance of community participation, cultural appropriateness in service delivery and accountable management.

The Branch prepares predisposition and presentence reports prepared at the request of the courts, provides probation supervision and judicial interim release

supervision for youth and adults who otherwise would be detained in custody. In addition, the branch is responsible for the following programs.

(i) Fine Options Program

The Fine Options Program provides offenders who do not have sufficient funds to pay their fines, the opportunity of doing voluntary community service work rather than going to prison for nonpayment of fines. The program has benefitted several thousand adult offenders since its inception in 1983. Appendix E, provides a native/non-native breakdown for the numbers of individuals participating in this program in 1987.

(ii) Community Service Orders

Community Service Orders (CSO'S) serve as a sentencing alternative where offenders are required to make a positive contribution to society by means of unpaid work for the benefit of the community.

In 1984-85, 386 CSO'S were ordered involving 46,613 community service hours. In the same period, 127 CSO'S were completed. In 1987, 354 youth were admitted to the community service order program as well as 491 adults.

(iii) Alternative Measures Programs/Justice Committees

This program makes it possible for young offenders who have committed criminal offences to be dealt with in their communities without going through formal court proceedings. During 1987, more than 35% of all youth served by the branch were dealt with by way of alternative measures.

Justice Committees are comprised of groups of citizens who come together to review justice and social issues in their communities. Justice committees are also referred to as restitution committees, alternatives committees, youth committees etc. Designated by the Minister under Section 69 of the *Young Offenders Act* the Justice Committees assume responsibility for alternative measures programs, fine options, community service orders etc.

(iv) Community Participation Agreements

These agreements are negotiated with each community or band council. The agreements provide a framework for sharing responsibility between the Department and a community for the delivery of a range of correctional serivces. Local people are recruited and deployed by the committees. They are paid on a fee for service basis as negotiated in each contract. Each contract contains a training component for the local personnel.

(v) Dakota Ojibway Probation Services

In an agreement between the Government of Manitoba and the Dakota Ojibway Tribal Council, responsibility for probation and other community correctional programs on member reserves was turned over to D.O.P.S. for a fourth year ending June 19, 1989

(vi) Custody Programs

The following are the custody programs administered by the branch:

• Temporary detention - the Kenaston Centre, an operational branch of the Manitoba Youth Centre (MYC) in Winnipeg, is the facility in Manitoba for youth who are detained in pretrial custody while awating adjudication or disposition.

• Open custody - Most youth in open custody are placed in the Willow Centre, an operational branch of the MYC. A small number of youth are held in the Crescent centre, which is an operational branch of the Agassiz Youth Centre in Portage La Prairie. Some youth are held in a network of family-type open custody homes located across the province.

(d) Northern Custody

Commonly raised issues with respect to the detention and custody of northern youth in southern facilities are as follows:

- reduced access to legal counsel;
- longer detention periods;
- high escort costs;
- less likely access to bail;
- fewer court appearances in same detention periods than southern youth;
- greater proportion of northern youth sentenced to custody;
- northern youth do not have same access to families and communities;
- high cost of travel for temporary absences;
- trauma of entering a strange correctional facility in an unfamiliar city;
- lack of native workers;
- learning a lifestyle not conducive to reintegration into northern native community;
- Winnipeg - an attraction for some youth;
- more difficult for northern probation officers to prepare court reports when youth held in southern facilities.

Officials from Community and Youth Corrections are currently revewing options to address these problems including advantages and disadvantages for a Northern Attendance Centre.

(e) Native Staff

The overall percentage of native to non-native staff in Manitoba's correctional institutions is 5.4 percent or 39 native staff in a total staff population of 723. However, in institutions which have larger numbers of natives in their inmate populations, the native staff is correspondingly higher. For example, The Pas Correctional Institution has 15% native staff, Dauphin has 13%, Portage 6% and Brandon 5%.

Attempts are being made to increase the proportion of native staff in correctional institutions through cooperation in the presentation of a Native Correctional Officer Program at Assiniboine College. This program, jointly funded by the federal and provincial governments, is designed to graduate 20 Native Correctional Officers each year.

(f) Training

Community and Youth Corrections offers courses to all staff that are sensitive to the needs, issues and resources of a variety of communities throughout the Province. These courses are open to staff who express interest and wish to enhance already existing skills, as well as to those whose needs are identified through the Effective Performance Management Process.

The sessions are designed and developed with input from representatives who are culturally sensitive and able to identify the specific needs of groups within various communities in the Province.

Examples:

(a) Substance Abuse program - In designing the Substance Abuse Intervention Package for offenders, a working committee was struck with representatives from Native Clan, Adult and Youth Institutions and Probation. This committee was involved in the research, development and piloting of the package. Interested staff were then trained as facilitators of the program.

(b) Open Custody Operator Training - Development of the course was monitored by a steering committee of open custody operators. The principal facilitator of the workshop was Winnie Giesbrecht, Coordinator of Native Services for the St. Boniface Hospital. It was held at Nakiska House, a facility for native patients who are receiving medical treatment.

(c) Native Awareness For Staff - Brenda Longclaws designed a course and developed a facilitators manual on this topic for the Corrections Division. This package will be offered to all staff by facilitators who are culturally sensitive.

(d) Court Report Writing - and the Sexual and Spousal Abuse Intervention Training Programs will be offered in Thompson for Community Corrections staff and will be open to agencies such as Awasis.

(e) The following is a list of other in-service courses offered to our staff over the last three years:

- Court Report Writing
- Cross Cultural Awareness
- Mediation
- Learning Disabilities and the Offender
- Assaultive Offender (Spousal Abuse) Intervention
- Instructional Techniques
- Instructional Design
- Trainer of Trainers for Substance Abuse and the Breaking Barriers Program
- Community Mobilization
- Dealing with the Native Public
- Affirmative Action
- Group Dynamics
- Sexual Abuse Intervention
- AIDS training
- Native Awareness
- Effective performance Management
- Job Description Training
- Computer Use
- Supervision and You
- Working Together Orientation
- Suicide Prevention.

Presently a committee is developing an Anger Management Manual for offenders. Interested staff will be taught how to present the material.

7. OTHER AGENCIES

(a) Manitoba Police Commission

The Manitoba Police Commission, instituted under the provisions of *The Provincial Police Act,* is an andependent researching, standardizing, and coordinating body, which works to promote the prvention of crime, the efficiency of police services and police/community relations in the province. It handles inquiries and considers appeals from disciplincary procedures within the non-RCMP municipal police forces. As well, it hears appeals of decisions from other police commissions. The majority of complaints are first-time complaints and are referred to local police. The Commission only hears appeals.

The Commission may make recommendations to the Attorney General relating to police policy, training, recruitment, equipment and standards.

The Commission, which usually meets monthly, has four persons on its executive, in addition to a chairperson. The Board members provide direction to the permanent staff of the Executive Director, Crime Prevention Coordinator and Administrative.

During 1988-89, considerable progress was made in the development of recruiting and equipment regulations.· in addition, a Protocol for the Police Handling of Sexual Assault Complaints was approved by the Attorney General and forwarded to the Municipal Police Departments. After much research and police/public consultation the development of high speed pursuit guidelines is nearing completion.

Educational programs have been developed and are conducted throughout the province to promote mutual awareness, understanding and support between police and the communities they serve. A variety of pamphlets and booklets on a number of crime prevention programs are made available to the public, businesses, law enforcement agencies and other interested groups.

(i) Police Recruitment

The Manitoba Police Commission may "recommend to the Attorney General mimimum standards for the selection and training of municipal policemen, special constables and other law enforcement officers and promotional standards". (*Provincial Police Act*, Section 24 (i))

A major police recruiting study was conducted by the Manitoba Police Commission in 1987 to (1) determine existing Manitoba Municipal Police recruting standards and systems; (2) identify standards and and procedures in use in other provinces; and (3) review of available literature. The objective of this study was to provide information on which to develop recommendations for a sound regulatory base for police recruiting in the province of Manitoba.

As a result of this study, the Commission undertook to develop recruiting regulations which would apply to every municipal police department in the province. At present, a final draft of these regulations is in preparation, in consultation with Crown Counsel. As with previous drafts, the police community will be consulted prior to advancing final recommendations to the Attorney General.

(ii) Police Training

The Commission has responsibility for police training in the province, as outlined in Section 24 of *The Provincial Police Act*. The Commission has examined this area from time to time but no action has been taken on proposals to establish a province-wide system of training for municipal police. A comprehensive study was conducted in 1973 but no action was forthcoming, although the findings are still valid.

A study of police training needs in Manitoba is currently being conducted by Dr. Rick Linden of the University of Manitoba. The purpose of the study is to identify law enforcement training needs in Manitoba and to propose a structure which would make it possible to meet these needs.

(iii) Canadian Police College

Since 1979, the Manitoba Police Commission coordinates the allotment of positions for courses at the Canadian Police College in Ottawa. Attendance at a wide variety of courses demonstrates the high interest of police departments in upgrading the skills and knowledge of their officers.

(iv) Training of Native Constables

Training courses for Band and Community Constables have been coordinated by the Manitoba Police Commission and Law Enforcement Services since 1976. Funding for the courses/program is provided by the Department of Indian and Northern Affairs Canada. The courses are designed to provide constables with a basic knowledge of their powers and responsibilities as peace officers, through instruction on the Criminal Code, federal and provincial statutes, investigation techniques and practical exercises.

Lecturers from various components of the criminal justice system have been used as resource persons throughout the years, with primary participation from the RCMP.

(b) Law Enforcement Review Agency

The Law Enforcement Review Act deals with citizen complaints concerning **municipally** employed peace officers who may have committed a disciplinary default in the execution of their duties.

Municipal Police Departments in Manitoba

Police Dept.	Officers	Police Dept.	Officers
Alexander (LGD)	2	Morden	6
Altona	2	Rivers	2
Brandon	57	Ste. Anne	2
Cornwallis	2	St. Clements	1
East St. Paul	5	Victoria Beach	3
Gilbert Plains	2	Winkler	7
Lac du Bonnet	1	Winnipeg	1141
Total			**1235**

Police Departments not subject to *The Act*

Police Dept.	Officers
R.C.M. Police (located in 85 detachments throughout rural Manitoba)	594
Dakota Ojibway Tribal Council	25
Band Constables	66
Community Constables	13
Private Police Departments (i.e. C.N. and C.P. Police)	

L.E.R.A. does not record racial, ethnic or native background. However, for the purposes of this report, a search was made of our files for a one year period to determine those complainants from ethnic, minority or native groups who have filed reports with L.E.R.A. This determination was not self-declaration by the complainant but was based on visual observation and interviews.

April 1, 1988 - March 20, 1989

L.E.R.A. complaints received/processed	101
Minority, ethnic or native persons (29.7%)	30
Native persons only (8.9%)	9

Municipal Police Departments Receiving Complaints
(101 Complaints)

Municipality	No. of Complaints	Percentage	Per Officer
Winnipeg	85	(84.15%)	.74
Brandon	12	(11.88%)	.21
Ste. Anne	3	(2.97%)	1.50
Winkler	1	(.99%)	.14

Of the 30 minority complainants, 16 were the subject of charges laid by police. Of the 9 native complainants, 6 were the subject of charges laid by police.

Of the 30 minority complaints, Winnipeg Police received 28, Brandon Police, 2. Of the 9 native complaints, Winnipeg Police received 7, Brandon Police, 2.

It is not surprising that Winnipeg and Brandon received the most complaints as Winnipeg has a population of 600,000 policed by 1141 officers; this is 55.32 percent of the provincial population (1,084,500). Brandon City has a population of 38,700 policed by 57 officers; this is 3.56 percent of the provincial population.

The balance of the population is policed by the R.C.M. Police, 594 officers located in 85 detachments throughout rural Manitoba. This represents 44.67 percent of the population that is policed by the R.C.M. Police who are not under the jurisdiction of L.E.R.A.

The people who attend at L.E.R.A. do so because they have a grievance against a police officer(s) and look upon L.E.R.A. as a neutral agency that will receive and process their complaint.

Some complainants do have a fear and mistrust of the police which is quite evident during their interviews. In order to promote awareness and understanding of L.E.R.A., this agency is in the process of contacting ethnic, minority and native groups to make them aware of our services.

The police, on the other hand, do not hold L.E.R.A. in high regard. The police executive feel that L.E.R.A. is detrimental to their ability to properly manage a police department because it deprives them of the responsibility for discipline.

They have expressed concerns of time lost, direct legal costs and overtime costs relating to hearings and interviews.

Police officers do not like having their actions scrutinized or judged by an outside

agency. However, in the past year, police officers have demonstrated a better spirit of cooperation in attending at L.E.R.A. and participating in the process. This is partly due to the efforts of the Winnipeg Police Association executive who have assisted this agency in having the respondent officers attend at L.E.R.A.

It appears that L.E.R.A. has met its original objective of providing an outlet for public complaints against police behaviour.

The Act requires changes and amendments to be more effective and acceptable to complainants and police officers.

The powers of the commissioner should be increased to enlarge his scope in dealing with frivolous and vexatious complaints. There should be authority to reject a complaint that is unsubstantiated or where a hearing is not in the public interest. The commissioner should have the right to determine the merits of a complaint. At the present time, the commissioner is restricted to determining if a complaint is within the scope of Section 29.

The complainant should have legal counsel provided to offer advice and to represent the complainant at formal board hearings.

Currently, a person must present their own case at a board hearing. Most people cannot afford legal counsel. The respondent officer is represented by counsel provided by his association or department. Because of this inequity, complainants who cannot afford a lawyer, have chosen to withdraw their complaint. Some complainants lack the ability to present their case properly.

The Act should require a respondent police officer to notify L.E.R.A. within 30 days after receipt of a complaint, of their intention to participate in the resolution of the complaint. Presently, some complaints are delayed for substantial periods of time before it can be determined if the officer is willing to discuss the incident at our office.

Law Enforcement Review Act

Legislated Authority and Responsibility

The Law Enforcement Review Act received royal assent in the Manitoba Legislature in August 1983 and was proclaimed to come into force on February 1, 1985. *The Act* has remained unchanged since that date.

Purpose

The purpose of *The Act* is to establish a mechanism to receive, resolve and if necessary, adjudicate citizen complaints against municipally employed peace officers.

Nature of Complaints

The nature of complaints which fall within the purview of the legislation are those which concern breaches of a code of discipline which is specifically defined in *The Act.*

A breach or "disciplinary default" is outlined in Section 29 as being any of the following acts or omissions:

Discipline Code

A member commits a disciplinary default where he affects the complainant or any other person by means of any of the following acts or omissions arising out of or in the execution of his duties:

(a) Abuse of authority, including

(i) making an arrest without reasonable or probable grounds;
(ii) using unnecessary violence or excessive force;
(iii) using oppressive or abusive conduct or language;
(iv) being discourteous or uncivil;
(v) seeking improper pecuniary or personal advantage;
(vi) without authorization, serving or executing documents in a civil process, and
(vii) discriminating on the basis of race, nationality, religion, colour, sex, marital status, physical or mental handicap, age, source of income, family status, political belief, or ethnic or national origin.

(b) Improperly disclosing any information acquired as a member of the police department.

(c) Failing to exercise discretion or restraint in the use and care of firearms.

(d) Damaging property or failing to report the damage.

(e) Being present and failing to assist any person in circumstances where there is a clear danger to the safety of that person or the security of that person's property.

(f) Violating the privacy of any person within the meaning of *The Privacy Act.*

(g) Contravening this *Act* or any regulation under this *Act* , except where *The Act* or regulation provides a separate penalty for the contravention.

(h) Assisting any person in committing a disciplinary default, or counselling or procuring another person to commit a disciplinary default.

Commissioner

Section 2 of *The Act* provides for the mandatory appointment of a full time commissioner who is responsible for the administration of *The Act* other than those sections dealing with formal adjudications and appeals.

Frivolous Complaints

After receiving and establishing the nature of a complaint, *The Act* instructs the Commissioner to "decline to take further action" if satisfied that the nature of the complaint is frivolous or vexatious; or not within the scope of the disciplinary code.

Time Limits

In addition to rejection for the above-noted reasons, Section 6(3) requires that complaints be submitted in writing within 30 days of the alleged disciplinary default. The Commissioner may extend this time limit up to 6 months where the complainant has no reasonable opportunity to meet the 30 day requirement.

Resolution of Complaints

Following acceptance and investigation, a complaint is resolved in one of three ways:

- by informal resolution (Section 15)
- by admission of disciplinary default (Section 16)
- by adjudication on the merits of the complaint by a Board established for the purpose (Section 17).

Information Resolution

The Act requires the Commissioner first and foremost to attempt informal resolution through consultation with the complainant, the respondent and the respondent's Police Chief. Informal resolution may be affected without the concurrence of the Police Chief.

For a complaint which is resolved informally, no penalty is imposed against the respondent and no record of the complaint is entered on the police officer's service record.

Formal Hearing

The third or last method available to the Commissioner for disposition of a complaint is referral to the Law Enforcement Review Board for a hearing on the merits under the provision of Section 17(1).

Board hearings under this Section operate under a standard of proof which requires the complaint to be proven "beyond a reasonable doubt".

Penalties

A respondent officer who admits to or is found guilty of the commission of a disciplinary default, is subject to the imposition of one or more penalties which are outlined in Section 30 of *The Act.*

The listed penalties in declining order of severity are:

- dismissal
- permission to resign within 7 days and in default summary dismissal
- reduction in rank

- suspension without pay up to 30 days
- forfeiture of pay of up to 10 days
- forfeiture of leave or days off up to 10 days
- written reprimand
- verbal reprimand
- an admonition.

Composition of Board

The Law Enforcement Review Board is comprised of no less than 7 persons appointed by the Lieutenant-Governor-in-Council. The presiding officer and deputy must be members of the Law Society with a minimum of five years experience at the Bar.

The Board must also include two persons who are or were peace officers. Three members constitute a quorum for hearings.

Appeal Provisions

The Legislation includes provisions for appeal at two stages of the disposition process.

If the Commissioner decides that a complaint is frivolous or vexatious or not within the scope of The Act , the complainant may appeal the ruling to the Manitoba Police Commission under Section 13 of *The Act* . A decision in favour of the complainant will cause the Law Enforcement Review Board to hear the case on its merits. The complainant has no further appeal privileges should the Manitoba Police Commission uphold the Commissioner's ruling.

Section 31 provides that either the respondent or complainant may appeal a decision of the Law Enforcement Review Board upon any question involving jurisdiction or law alone. These appeals are to the Court of Queen's Bench and notice must be filed within 30 days of the Board decision.

Agency Staff

The present staff of the Law Enforcement Review Agency consists of:

(1) Commissioner
(2) Registrar/Secretary.

In addition, two persons of the Law Enforcement Services Branch of the Attorney General's Department provide investigative services to L.E.R.A. from time to time.

Legal Services are provided to the Commisisoner by a lawyer from the Attorney General's Department.

Organizational Chart

The complaint investigation and disposition process, together with legislated references, is outlined in the following organization chart.

Statistical Background

Statistics reflecting the activities of L.E.R.A. for the past three years are indicated in Tables 1 - 4.

Complaint Process with Indicated Reference to The Law Enforcement Review Act

(L.E.R.A.)

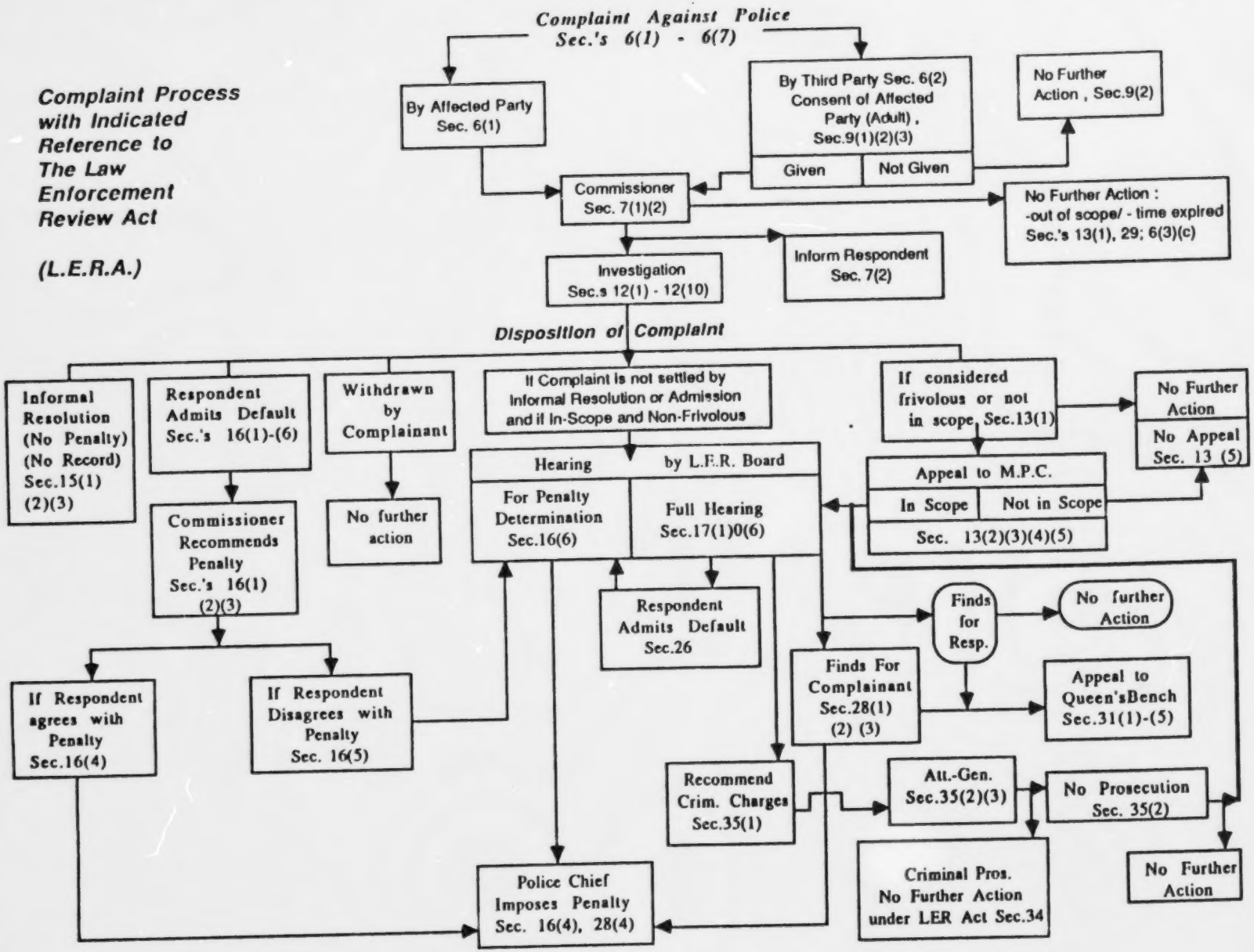

Complaint Against Police
Sec.'s 6(1) - 6(7)
By Affected Party Sec. 6(1)
By Third Party Sec. 6(2) Consent of Affected Party (Adult), Sec.9(1)(2)(3)
Given
Not Given
No Further Action, Sec.9(2)
Commissioner Sec. 7(1)(2)
No Further Action : -out of scope/ - time expired Sec.'s 13(1), 29; 6(3)(c)
Investigation Sec.s 12(1) - 12(10)
Inform Respondent Sec. 7(2)
Disposition of Complaint
Informal Resolution (No Penalty) (No Record) Sec.15(1) (2)(3)
Respondent Admits Default Sec.'s 16(1)-(6)
Withdrawn by Complainant
If Complaint is not settled by Informal Resolution or Admission and if In-Scope and Non-Frivolous
If considered frivolous or not in scope, Sec.13(1)
No Further Action
No Appeal Sec. 13 (5)
Hearing by L.E.R. Board
For Penalty Determination Sec.16(6)
Full Hearing Sec.17(1)0(6)
Appeal to M.P.C.
In Scope
Not in Scope
Sec. 13(2)(3)(4)(5)
Commissioner Recommends Penalty Sec.'s 16(1) (2)(3)
No further action
Respondent Admits Default Sec.26
Finds for Resp.
No further Action
Finds For Complainant Sec.28(1) (2) (3)
Appeal to Queen'sBench Sec.31(1)-(5)
If Respondent agrees with Penalty Sec.16(4)
If Respondent Disagrees with Penalty Sec. 16(5)
Recommend Crim. Charges Sec.35(1)
Att.-Gen. Sec.35(2)(3)
No Prosecution Sec. 35(2)
Criminal Pros. No Further Action under LER Act Sec.34
No Further Action
Police Chief Imposes Penalty Sec. 16(4), 28(4)

TABLE 1

TOTALS FOR THE YEAR

	1988	1987	1986
Number of citizens' representations received	173	196	179
Non-jurisdiction, not within scope of the Act, time expired	72	76	81
Complaints accepted for investigation	101	120	95
Origin			
Brandon	13	7	8
Winnipeg	85	105	85
Other	3	8	2
Files Closed - Disposition			
No further action subsection 13(1)	34	42	43
Withdrawn by Complainant	25	18	18
Admission by respondent officer	0	1	1
Informal Resolution	21	31	22
Referred to a L.F.R.A. Board hearing on the merits	9	5	10
Referred for criminal investigation	1		
Resulting in criminal charges	2		
Total	95	97	94

TABLE 2

TYPE OF ALLEGATIONS

	1985
Abusive Authority	3
Using oppressive or abusive conduct or language	39
Using unnecessary violence or excessive force	38
Being discourteous or uncivil	10
Discrimination	2
Arrest without reasonable or probable grounds	1
Failing to provide assistance	3
Making a false statement	1
Damaging property or failing to report the damage	1
Failing to use restraint in the use of firearms	2
Totals	**101**

TABLE 3

BOARD REFERRALS AND HEARINGS

	1988	1987	1986
Carried forward from last year	5	6	2
Referrals	9	5	10
Hearings	7	3	6
Cancelled	3	3	0
Carried forward to next year	1	5	6

TABLE 4

LEGAL INVOLVEMENT OF COMPLAINANT

	1988	1987	1986
No charges	44	45	36
Traffic violation	17	27	19
Property offences	3	15	11
Intoxicated Person's Detention Act	2	6	2
Causing disturbance	3	5	4
Assault peace officer/resist arrest	6	9	12
Impaired driving	8	5	4
Offences against another person	2	4	2
Other	16	8	16
Total	**101**	**124**	**106**

8. RESEARCH

The following research studies and reports have been released or are in the process of preparation and include information on aboriginal justice issues. All have involved resources form the Research and Development Branch, Department of Attorney General.

(a) Policing Services on Reserves in Manitoba: A Review (1985)

This report presents a review of on-reserve Indian policing services including the Band Constable Program, the Dakota Ojibway Tribal Council Program and the RCMP Special Indian Constable Program in Manitoba. The review and interviews with nine Indian Chiefs in the province indicate that the current on-reserve policing services are not adequate. Common problems identified by Band Councils covered a range of concerns including poor response time to complaints, lack of patrols and police presence, lack of alternatives to arrest, and lack of equipment and resources.

Major recommendations from the report address the need for the formation of a Steering Committee comprised of representatives from the justice system and Tribal Councils that would respond to Band Councils' concerns. In addition, the desire for, and resulting movement toward Indian-controlled policing on reserves should be accompanied by sound empirical data which would be instrumental in formulating province-wide recommendations.

(b) The Administration of Justice in Northern and Isolated Communities (1986)

The purpose of this Discussion Paper was to describe the areas of law enforcement, courts and corrections in relation to the delivery of these services in northern and isolated communities. Issues and options under each of the three areas were included.

(c) The Manitoba Court Communicator Program: A Program Review (1987)

A review of the Court Communicator Program was initiated in October 1986, at the request of the Attorney General, following consultations with native groups. The Program Review provides a description of the Court Communicator Program and identifies issues and concerns leading to recommendations relating to the administration, program enhancement and promotion of the Court Communicator Program.

(d) The Provincial Court Study (1989)

This study was initiated in response to a request for information on adult and youth courts in Northern Manitoba from the then Attorney General in 1986. Concerns were being expressed about the quality of criminal justice in the north by residents of the north who felt that there were significant differences ocurring in the justice system in the north.

A comparable base was established to examine data from approximately 2,000 offenders in the two largest northern communities i.e. Thompson and The Pas, as well as seven other court locations and Winnipeg.

The objectives of the study were to obtain information on the processing of charges (arrest, bail, pretrial detention, remand, pleas, the trial process, and types of dispositions) and on offenders (sex, age, ethnicity, prior record, type of offence).

The final report of this study is scheduled for completion in June 1989.

(e) The Spousal Assault Tracking Study (1989-)

The Department of the Attorney General has recently undertaken a project that will review the handling of domestic assault cases in the criminal justice system. Police, prosecution, court and probation components will be included in the study. The information collected from the study is intended to be available on an ongoing basis for purposes of early identification of problems, and for the continual refinement and improvement of policy and procedures.

The project will be composed of three phases. Phase one, which is already underway, involves the establishment of an Advisory Committee with representatives from the police, prosecutions, the courts and probation. Terms of reference will be developed by the Attorney General's Research and Development Branch in close consultation with the Advisory Committee. The latter two phases, research design and implementation involving external consultants, will proceed provided that funding is obtained.

Although there are no plans at this stage to include an ethnic variable that would provide information based on a native/non-native variable, the implementaion of this review will provide information on a geographic basis which may be of benefit to northern and aboriginal victims of spousal assault.

9. SPECIAL PROJECTS

Over the past few years, the Attorney General's Department has been involved in a number of activities related to aboriginal justice which attempt to address the particular problems of aboriginal people in the justice system. The following provides basic information on what some of these activities have included:

(a) The Swampy Cree Tribal Justice Proposal

In June 1987, a working committee was organized to review justice issues in the Swampy Cree area and to develop a process for addressing identified problems. The committee included representatives from Research and Planning, Community and Youth Corrections, two staff members from the Swampy Cree Tribal Council (SCTC), and a member of a community youth justice committee. The Committee held a series of meetings in The Pas and with Justice Committees in Grand Rapids and Easterville.

As a result of this process, a proposal for a Tribal Justice System was developed and is intended to mark the beginning stage of a developing initiative to assess problems, to plan and implement programs, and to effect a gradual process toward a community or tribal justice system with the cooperation and assistance of individuals and agencies with primary roles in the existing justice system

The proposed model for this project includes two components. An umbrella "Justice Planning Commission" would be established at the Tribal Council level with representatives from the SCTC Board and staff, a justice commitee, Community and Youth Corrections, Attorney General Research and Planning, the regional Thompson RCMP and others. The Commission's task would be to facilitate long term and overall planning in relation to all justice issues.

The second component would operate at the reserve level where local justice committees would be utilized and expanded to work at issues ranging from community/police liaison to the development of sentencing alternatives and community supervision.

The proposed project has at this time received confirmation of funding from the Alberta Muttart Foundation and the Manitoba Law Foundation. The amount requested from the Attorney General's Department has been included in the 1989/90 estimates and is awaiting approval from the Legislature once the budget is introduced.

(b) St. Theresa Point Indian Government Youth Court System

In conjunction with Community and Youth Corrections and Research and Planning, the St. Theresa Point Band has developed a proposal outlining a youth justice system which involves extensive cooperation among local resource groups in developing individualized program plans for troubled youth and the establishment of an "Indian Government Youth Court System". Although this system has been

operating for a few years, there have been no resources allocated to ensure the continued success of this project.

Basically, referrals to the project can originate from any agency or person in the community. The "Networking Resource Group" composed of a number of community resource persons, reviews the case, develops an individual plan which is then submitted to the Indian Government Youth Court. Extensive monitoring is conducted with each case and the project, despite few resources, has been successful in dealing with reserve youth through this system rather tham through the Provincial Court.

The proposal was submitted for joint funding to the Manitoba Law Foundation and the Attorney General's Department. The Manitoba Law Foundation has approved the funding request and the Attorney General has included the funding request in the 1989/90 estimates. As with the Swampy Cree proposal, a final decision regrading provincial government funding will be made once the Legislature reviews the budget.

(c) Federal-Provincial Working Group on Shamattawa

Over the past three years a federal-provincial working group has been examining the crime related problems in Shamattawa in order to develop a coordinated approach to addressing those problems. As a result, a three year demonstration project has been approved which aims to identify and assist in the establishment of integrated mechanisms from which new approaches to policing, corrections, alternatives, and culturally appropriate programs may evolve.

The project provides the Band Council with the funding to hire two "justice development workers" who will develop community awareness of the criminal justice system and of the alternatives and options available to the community.

As a result of this funding, it is hoped that a viable strategy for community development will develop and that an appropriate model for meeting the justice-related needs in this community will become identified and implemented.

The funding is provided by the Ministry of the Solicitor General, Canada, with in kind funding from the Department of Attorney General.

(d) Pineimuta Place

The Department of the Attorney General has a representative on the "Officials Working Group on Pineimuta Place" which is reviewing the Interlake Tribal Council's proposal for a Native Restoration and Harmony Centre. This group was established in the fall of 1988 to consider the provincial implications regarding structure and funding including the overall infrastructure of Pineimuta Place. It is expected that the Working Group will provide recommendations to the Cabinet on provincial involvement in the development of the site within the next few months. Follow-up meetings with the Tribal Council are planned.

(e) Northern Paralegal Project

The purpose of the Northern Paralegal Project is to test a delivery model design to improve access to legal services in remote northern and rural Manitoba communities. Currently the program services the reserves of Shamattawa, Cross Lake, Norway House and God's Lake Narrows. Two paralegals hold drop-in clinics in the reserve communities, assist Legal Aid lawyers in case preparation and liaison with clients, and are developing a public interest component to the program.

The project is funded by the federal Department of Justice, the Attorney General's Department and Legal Aid Manitoba and is for a two demonstration period.

An evaluation has been ongoing since the inception of the project and a final report is expected in the summer of 1989.

(f) Northern Conference

The Fourth Northern Conference was held in Thompson, Manitoba from March 28 to April 1, 1989. Over 250 conference delegates attended from northern Canada, Greenland and and Alaska.

Workshop presentations included, tribal courts in Alaska, the Manitoba Northern Fly-In Camp, mediation in northern communities, crime and criminal justice in Greenland, combating substance abuse in Grassy Narrows, the St. Theresa Point Indian Government Youth Court System among others.

A number of Attorney General representatives were actively involved in the orgranization of the conference and many more attended.

(g) Federal/Provincial Aboriginal Justice Issues Paper

At the December 1987 meeting of the Federal-Provincial Deputy Ministers of Justice, the need for a compilation of aboriginal justice issues was expressed, and it was agreed that Manitoba would play the lead role in contacting the respective jurisdictions and in collecting the information.

The area of aboriginal justice is one which has frquently, in one way or another, been included in agendas of various federal-provincial meetings. Items however have been specific to certain components, e.g. native courtworker origram, and there has not to date been an attempt to provide an overview of the many issues relating to aboriginal justice.

The purpose of the issues paper, produced by the Research and Development Branch, is to compile the information provided by the respective jurisdictions and to initiate a dialogue, at the federal-provincial level, about these issues. The paper was tabled in February, 1989.

APPENDIX A

DOTC - RCMP

Delineation of Responsibility

D.O.T.C. Police Department will not investigate the following and will report all such incidents to the R.C.M.P.

a. All deaths by natural or other causes, attempted murders and any particular offences under the following sections of the Criminal Code:

Sec. 214 CC	Murder - 1st & 2nd Degree
Sec. 216 CC	Infanticide
Sec. 217 CC	Manslaughter
Sec. 218 CC	Penalty - Murder
Sec. 219 CC	Penalty - Manslaughter
Sec. 220 CC	Penalty - Infanticide
Sec. 221 CC	Killing Unborn Child
Sec. 222 CC	Attempted Murder

b. Sexual Offences:

Sec. 146 CC	Sexual Intercourse with Female under 14 years
Sec. 150 CC	Incest
Sec. 151 CC	Seduction of Female Between 16 & 18
Sec. 152 CC	Seduction under Promise of Marriage
Sec. 153 CC	Sexual Intercourse with Step-Daughter, Etc., or Female Employee
Sec. 155 CC	Buggery or Bestiality
Sec. 157 CC	Acts of Gross Indecency
Sec. 246.2 CC	Sexual Assault with Weapon, Threats or Bodily Harm
Sec. 246.1 CC	Sexual Assault
Sec. 246.3 CC	Aggravated Sexual Assault

c. Wounding and all other assaults where injuries suggest a death may result:

Sec. 228 CC	Wounding or Causing Bodily Harm with Intent.

d. Robberies:

Sec. 302 CC

e. Frauds and Related Offences.

f. Offences involving offensive weapons including those offences as follows:

Sec. 77 CC	Duty of Care Re: Explosives
Sec. 78 CC	Breach of Duty
Sec. 79 CC	Causing Injury with Intent
Sec. 80 CC	Possessing Explosive without Lawful Excuse
Sec. 83 CC	Use Firearm during Commission of Offence
Sec. 84 CC	Point a Firearm
Sec. 85 CC	Possession of Weapon or Imitation
Sec. 86 CC	Possession of weapon at Public Meeting
Sec. 87 CC	Carrying Concealed Weapon
Sec. 88 CC	Possession of Prohibited Weapon
Sec. 89 CC	Possession of Unregistered, Restricted Weapon
Sec. 91 CC	Transfer Firearm to person under 16
Sec. 92 CC	Wrongful Delivery of Firearms
Sec. 93 CC	Importing or Delivering Prohibited Weapons
Sec. 94 CC	Delivery of Restricted Weapon to Person without Permit

f. Sec. 95 — Delivery of Firearm to Person without F.A.C.
Sec. 102 CC — Finding Weapon
Sec. 103 CC — Record of Transaction in Firearms
Sec. 104 CC — Application and Issuance of FAC
Sec. 106.5 CC — False Statements to Procure FAC

g. Arson and Related Offences:

Sec. 389 CC — Arson
Sec. 390 CC — Setting Fire to a Substance
Sec. 392 CC — Setting Fire by Negligence

h. Counterfeit Currency

i. Kidnapping and Related Offences:

Sec. 247 CC — Kidnapping
Sec. 294 CC — Abduction of Person under 16
Sec. 250 CC — Abduction of Person under 14
Sec. 250.1 CC — Abduction in Contravention of Custody Order
Sec. 250.2 CC — Abduction where no Custody Order

j. All Federal Statute Offences, except the Indian Act.

The following offences will be reported to the nearest R.C.M.P. Detachment and by agreement will be investigated by either the R.C.M.P. or the reporting D.O.T.C. constable as the condition warrants:

a. Assaults (not Indecent) including the following:

Sec. 229 CC — Administering Noxious Things
Sec. 230 CC — Overcoming Resistance to Commission of Offence
Sec. 231 CC — Traps likely to cause Bodily Harm
Sec. 232 CC — Interfering with Transportation Facilities
Sec. 245 CC — Assault
Sec. 245.1 CC — Assault with a Weapon or Causing Bodily Harm
Sec. 245.2 CC — Aggravated Assault
Sec. 245.3 CC — Unlawfully Causing Bodily Harm
Sec. 246 CC — Assaulting a Peace Officer

Should the seriousness of any injuries be such that death could result, the R.C.M.P. will assume full responsibility for the investigation.

b. Breaking and Enterings

c. Thefts

d. Motor vehicle accidents involving personal injury with the possibility that fatalities will result.

D.O.T.C. constables will enforce the following Criminal Code driving offences at their discretion with any assistance necessary being provided by the nearest R.C.M.P. Detachment:

a.	Sec. 233 CC	Criminal Negligence in Operation of a Motor Vehicle
	Sec. 234 CC	Impaired Driving
	Sec. 235 CC	Refuse Breathalyzer
	Sec. 236 CC	Driving with more than 80 Mg of Alcohol in Blood
	Sec. 238 CC	Driving while Disqualified

b. All offences under Provincial Statutes and Reserve By-Laws will be treated identically.

APPENDIX B

Numbers and Locations of Indian Special Constables

A Community Constable

and

D.O.T.C. Police Department Reserve Detachments

RCMP - OPTION 3B

NATIVE POLICING PROGRAM

LOCATION	AUTHORIZED ESTABLISHMENT
ROSSBURN	1
STE. ROSE DU LAC	1
SWAN RIVER	1
WINNIPEGOSIS	2
THOMPSON	5
CROSS LAKE	2
GILLAM	1
GOD'S LAKE NARROWS	2
GRAND RAPIDS	1
ISLAND LAKE	2
LYNN LAKE	1
SHAMATTAWA	1
THE PAS	2
FISHER BRANCH	1
GYPSUMVILLE	2
LAC DU BONNET	3
POWERVIEW	2
TOTAL	30

D.O.T.C. Police Department Reserve Detachments

Birdtail Sioux
Long Plain and Dakota Plains
Oak Lake Sioux
Roseau River
Sandy Bay
Sioux Valley
Swan Lake
Brandon (H.Q.)

Northern Community Constable Policing

Barrows
Berens River
Brochet
Camperville
Cormorant
Crane River
Duck Bay
Easterville
Manigotagan and Seymourville
Moose Lake
Pelican Rapids
Sherridon
South Indian Lake
Waterhen

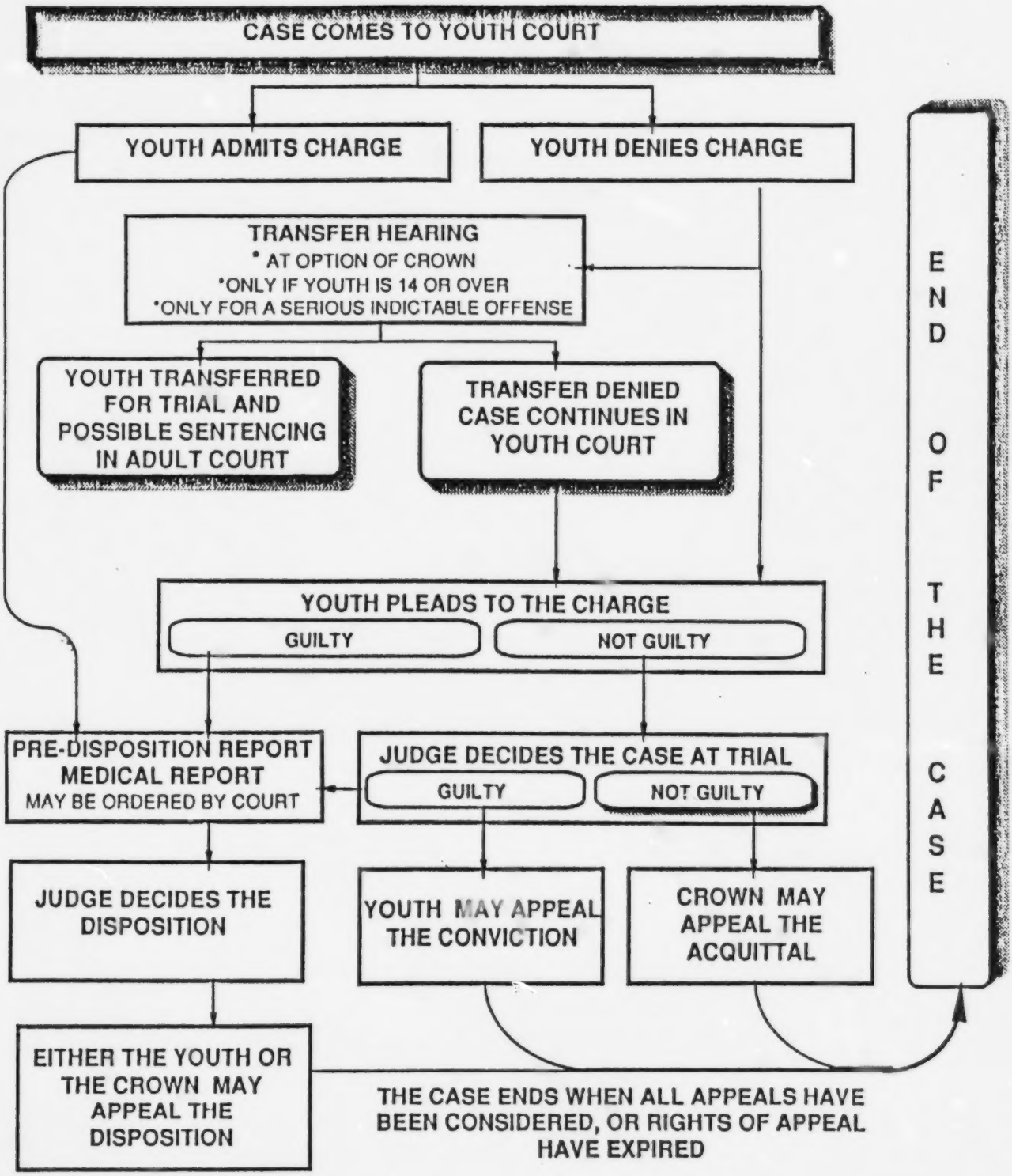
APPENDIX C

Young Offenders Court Process

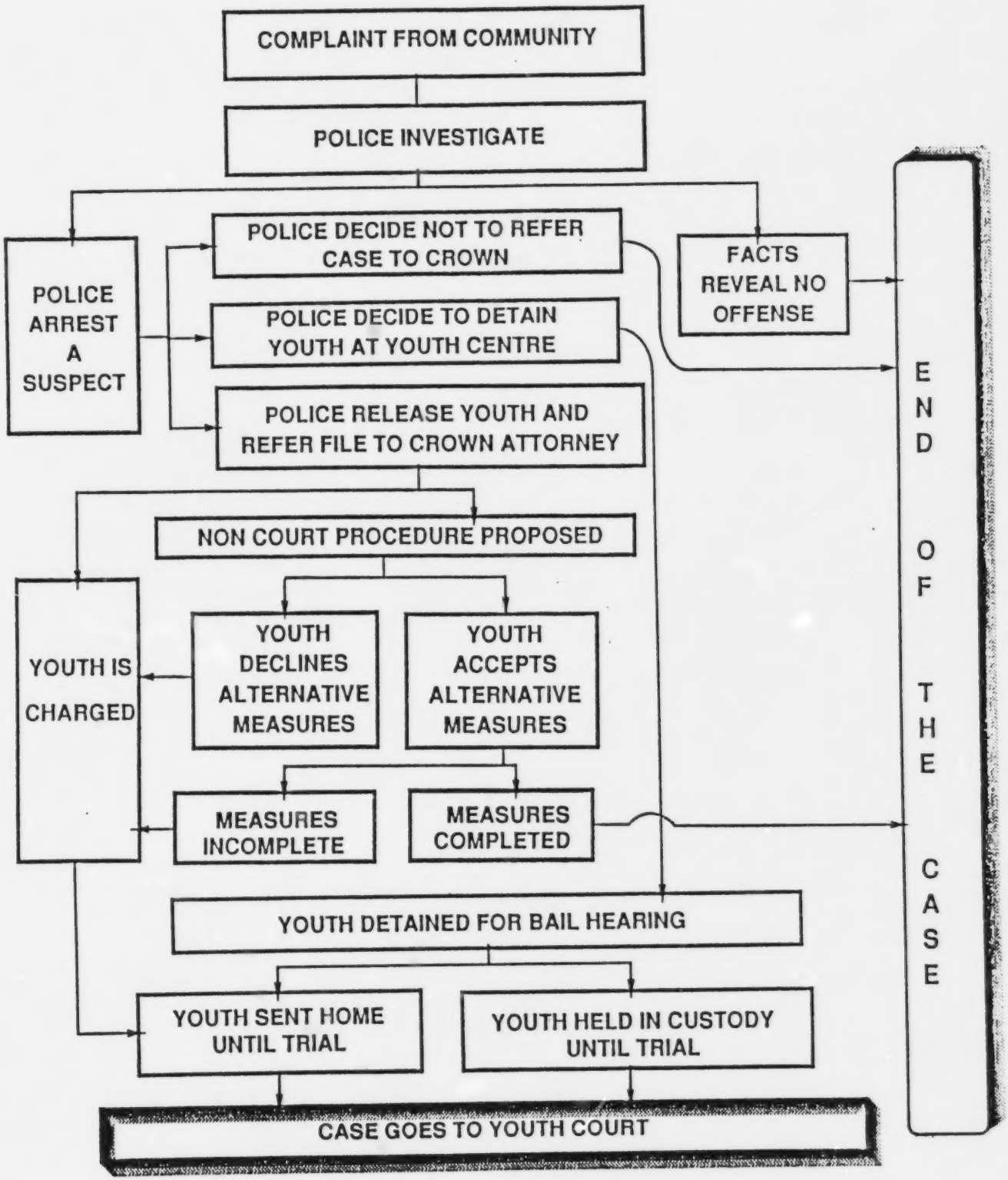
and

Procedures for Alternative Measures

YOUNG OFFENDERS -- COURT PROCESS


CASE COMES TO YOUTH COURT
YOUTH ADMITS CHARGE
YOUTH DENIES CHARGE
TRANSFER HEARING
* AT OPTION OF CROWN
*ONLY IF YOUTH IS 14 OR OVER
*ONLY FOR A SERIOUS INDICTABLE OFFENSE
YOUTH TRANSFERRED FOR TRIAL AND POSSIBLE SENTENCING IN ADULT COURT
TRANSFER DENIED CASE CONTINUES IN YOUTH COURT
YOUTH PLEADS TO THE CHARGE
GUILTY
NOT GUILTY
PRE-DISPOSITION REPORT
MEDICAL REPORT
MAY BE ORDERED BY COURT
JUDGE DECIDES THE CASE AT TRIAL
GUILTY
NOT GUILTY
JUDGE DECIDES THE DISPOSITION
YOUTH MAY APPEAL THE CONVICTION
CROWN MAY APPEAL THE ACQUITTAL
EITHER THE YOUTH OR THE CROWN MAY APPEAL THE DISPOSITION
THE CASE ENDS WHEN ALL APPEALS HAVE BEEN CONSIDERED, OR RIGHTS OF APPEAL HAVE EXPIRED
END OF THE CASE

YOUNG OFFENDERS -- PRE-COURT PROCESS


COMPLAINT FROM COMMUNITY
POLICE INVESTIGATE
POLICE ARREST A SUSPECT
POLICE DECIDE NOT TO REFER CASE TO CROWN
POLICE DECIDE TO DETAIN YOUTH AT YOUTH CENTRE
POLICE RELEASE YOUTH AND REFER FILE TO CROWN ATTORNEY
FACTS REVEAL NO OFFENSE
END OF THE CASE
NON COURT PROCEDURE PROPOSED
YOUTH IS CHARGED
YOUTH DECLINES ALTERNATIVE MEASURES
YOUTH ACCEPTS ALTERNATIVE MEASURES
MEASURES INCOMPLETE
MEASURES COMPLETED
YOUTH DETAINED FOR BAIL HEARING
YOUTH SENT HOME UNTIL TRIAL
YOUTH HELD IN CUSTODY UNTIL TRIAL
CASE GOES TO YOUTH COURT

AUTHORIZATION OF THE MANITOBA ALTERNATIVE MEASURES PROGRAM

-Alt. Measures

WHEREAS The Young Offenders Act, being Chapter 110 of the Statutes of Canada 1980-81-82-83, provides in part as follows:

"4(1) Alternative measures may be used to deal with a young person alleged to have committed an offence instead of judicial proceedings under this Act only if

(a) the measures are part of a program of alternative measures authorized by the Attorney General or his delegate or authorized by a person, or a person within a class of persons, designated by the Lieutenant Governor in Council of a province."

and WHEREAS Section 129(1) of the Criminal Code requires the Attorney General to approve the program;

and WHEREAS it is deemed expedient and desirable at this time to implement within Manitoba a program of measures other than judicial proceedings to deal with young persons who are alleged to have committed offences;

NOW THEREFORE, I hereby authorize the Community and Youth Correctional Services of the Department of Community Services to administer within Manitoba a program of alternative measures, for the purposes of The Young Offenders Act of Canada, to deal with young persons referred to it by the Attorney General or his agents, to be called the Manitoba Alternative Measures Program and consisting of the following alternative measures:

1. Compensation by the young person to the victim, by cash, in kind or by way of personal service.

2. Mediation or conciliation between the young person and victim.

3. An interview or interviews with the young person and the parents or guardian to examine the circumstances of the offence, any action taken by the young person to make amends and any action taken by the parents as a consequence.

4. An oral or written reprimand.

5. A curfew.

6. Attendance at a crime-prevention class at which participants examine the reasons people commit offences and the consequences of offences for offenders and society, and learn ways to improve their conduct.

7. Completion of a crime-prevention project such as an essay or poster.

8. Performance of a community service, that is, unpaid work for the benefit of the community.

9. Referral to a social, educational or health service, or any combination of these services, with appropriate follow-up.

10. Any combination of the preceding measures.

ALTERNATIVE MEASURES

Program Direction and Accountability

Alternative measures are the shared responsibility of both the Attorney-General's Department and that of the Corrections Division within Community Services. While screening decisions are ultimately the responsibility of the crown attorneys and the development of programs are the responsibility of Probation, the extent to which alternative measures are used and are successful, will depend on the coordination and cooperation that exists between the two Departments.

Pre-Charge Screening

Young persons are diverted from court proceedings unless there is sufficient cause to charge and proceed to court. The following would normally be excluded from alternative measures consideration:

- impaired driving, refusing a breathalizer, criminal negligence or dangerous driving
- robbery and allegations involving violence, personal injury, weapons, or a potentially dangerous situation (e.g. bomb threat)
- unusual or bizarre behaviour (e.g. sexual deviancy, cruelty to animals)
- the actual loss or damage per incident exceeds $1,000.00
- there is a record of the young person having committed a Criminal Code offence during the preceding six months
- there is a record of the young person having already had three alternative measures

A matter would also be excluded from alternative measures if there were insufficient evidence to support the laying and prosecution of an information.

Post Charge Screening

In exceptional cases, the crown attorney may decide, even after a youth has been charged, or charged and detained, to enter a stay of proceedings and refer for alternative measures proceedings.

Referral Process

Police referrals are jointly reviewed by a police officer, probation officer, and crown attorney to determine which matters can be referred for alternative measures. The crown attorney will have reviewed the report to ensure the requirement for legal sufficiency, and the probation officer will provide the young persons record of court and alternative measures.

Alternative Measures Proceedings

Probation will:

a) develop, or ensure designation, of a range of alternative measures programs

b) refer youth to a suitable designated program or Youth Justice Committee

c) ensure that the safeguards regarding the youth's acceptance of responsibility, voluntary participation, and right to counsel are met

d) maintain a provincial registry of all Alternative Measures proceedings

e) refer to the appropriate crown attorney all cases where the youth has not satisfactorily met the conditions of the Alternative Measures.

Records Maintenance and Destruction

Records of alternative measures are maintained for two years and thereafter destroyed, as with summary convictions. The record of alternative measures are included in pre-disposition reports, but without specific reference to the nature or circumstances of the allegations.

Manitoba

PLACES OF OPEN CUSTODY DESIGNATED UNDER MAN. O.C. 283/84

Note: Designations of the places of open custody and their revocations are published in The Manitoba Gazette (Part I). Those places that have been designated and not yet revoked are set out below alongside the effective date of the designation and the reference to The Manitoba Gazette (Part I) wherein the designation can be found. The places are listed in an alphabetical sequence.

28 Ash Street, Thompson, Manitoba
Designated: 7 January 1987; 116 Man. Gaz. (Pt. I) 128.

297 Bartlett Avenue, Winnipeg, Manitoba
Designated: 13 August 1984; 113 Man. Gaz. (Pt. I) 2046.

Crescent Youth Centre, 2 River Road, Portage La Prairie, Manitoba
Designated: 25 January 1985; 114 Man. Gaz. (Pt. I) 352.

337 Fourteenth Street, Brandon, Manitoba
Designated: 10 April 1985; 114 Man. Gaz. (Pt. I) 812.

866 Grosvenor Avenue, Winnipeg, Manitoba
Designated: 27 August 1985; 114 Man. Gaz. (Pt. I) 1449.

215 Juniper Drive, Thompson, Manitoba
Designated: 7 June 1988; 117 Man. Gaz. (Pt. I) 1048.

318 Kenaston Boulevard, Winnipeg, Manitoba
Designated: 18 December 1986; 116 Man. Gaz. (Pt. I) 22.

189 Kingsway Avenue, Winnipeg, Manitoba
Designated: 7 May 1987; 116 Man. Gaz. (Pt. I) 1202.

24 Knappen Avenue, Winnipeg, Manitoba
Designated: 7 May 1987; 116 Man. Gaz. (Pt. I) 1202.

58 Matheson Avenue East, Winnipeg, Manitoba
Designated: 14 August 1984; 113 Man. Gaz. (Pt. I) 2046.

425 Mountain Avenue, Winnipeg, Manitoba
Designated: 26 August 1985; 114 Man. Gaz. (Pt. I) 1449.

39 Parkway Crescent, Thompson, Manitoba
Designated: 14 December 1987; 117 Man. Gaz. (Pt. I) 52.

120 Pike Crescent, Thompson, Manitoba
Designated: 2 February 1987; 116 Man. Gaz. (Pt. I) 320.

6 Queens Bay, Thompson, Manitoba
Designated: 26 August 1987; 116 Man. Gaz. (Pt. I) 1815.

Residence of North East Quarter, Section 29, Township 1, Range 5, West of the Principal Meridian in Manitoba
Designated: 20 June 1986; 115 Man. Gaz. (Pt. I) 1288.

Residence of the North-West Quarter, Section 13, Township 26, Range 24, West of the Principal Meridian in Manitoba
Designated: 21 August 1985; 114 Man. Gaz. (Pt. I) 1449.

Residence of the South-East Quarter, Section 14, Township 13, Range 19, West of the Principal Meridian in Manitoba
Designated: 30 June 1985; 114 Man. Gaz. (Pt. I) 1382.

195 Walnut Street, Winnipeg, Manitoba
Designated: 10 November 1986; 115 Man. Gaz. (Pt. I) 2079.

APPENDIX D

Sample Schedule of Court Sittings in Manitoba

PROVINCIAL COURT SITTINGS - CRIMINAL DIVISION

LOCATION	SITTING FREQUENCY
Amaranth	Tuesday 2nd & 4th weeks
	Friday 4th week (Youth)
Arborg	Monday 3rd week
Ashern	Wednesday 3rd week
Beausejour	Tuesday every week
Berens River	Tuesday & Wednesday every 3rd week
Bloodvein	Thursday 3rd week of odd numbered months
Boissevain	Monday 2nd week
Brandon	Every day except Wednesday of 1st & 2nd week
	Federal court 2nd Wednesday
	Traffic trials 2nd & 4th Thursdays
Brochet	See Thompson Circuit Court listing
Carman	Wednesday 2nd week
Churchill	Wednesday 4th week
Cranberry Portage	Wednesday 3rd week
Cross Lake	See Thompson Circuit Court listing
Dauphin	Adult every Tuesday
	Youth every 2nd & 4th Wednesday
	Family every 1st & 3rd Wednesday
Easterville/Grand Rapids	Tuesday & Wednesday 4th week
Emerson	Wednesday 4th week
Fisher Branch	Thursday 1st week
	Thursday & Friday 4th week
Flin Flon	Wednesday 1st, 2nd & 5th weeks
	Family every Friday
Garden Hill	See Thompson Circuit Court listing
Gillam	See Thompson Circuit Court listing
Gimli	Monday & Tuesday 1st & 5th weeks
Gladstone	Monday 3rd week
Gods Lake Narrows	See Thompson Circuit Court listing
Grand Rapids/Easterville	Tuesday & Wednesday 4th week
Gypsumville	Wednesday & Thursday 2nd week
Killarney	Friday 1st & 3rd week
Lac du Bonnet	Tuesday 2nd & 4th week
Leaf Rapids	See Thompson Circuit Court listing
Little Grand Rapids	See Berens River
Lundar	Thursday 3rd week
Lynn Lake	See Thompson Circuit Court listing
Melita	Monday 4th week
Minnedosa	Tuesday 1st, 3rd & 5th weeks
	Wednesday 2nd week -trials only in Minnedosa or Neepawa
Moose Lake	Tuesday 2nd week
Morden	Tuesday 1st, 3rd & 5th weeks
Morris	Wednesday 1st,2nd & 5th weeks
Neepawa	Friday 2nd week
Norway House	See Thompson Circuit Court listing
Oxford House	See Thompson Circuit Court listing
Pauingassi	Thursday 3rd week of even numbered months
Pine falls	Wednesday 1st, 2nd & 4th weeks
Portage la Prairie	Every Monday & Thursday

Pukatawagan	See Thompson Circuit Court listing		
Roblin	Wednesday	3rd week	
Roseau	Wednesday	3rd week	
Russell	Wednesday	3rd week	
	Youth & Family Monday		1st week
St. Boniface	Monday, Tuesday & Thursday		every week
Selkirk	Every Tuesday & Friday		
Shamattawa	See Thompson Circuit Court listing		
Snow Lake	Tuesday	3rd week	
Souris	Monday	3rd week	
Split Lake/Nelson House	See Thompson Circuit Court listing		
Steinbach	Every Thursday		
Stonewall	Monday	1st,4th & 5th weeks	
Swan River	Adult Wednesday	1st, 2nd & 4th weeks	
	Youth Monday	2nd & 4th weeks	
	Family Monday	3rd week	
Teulon	Monday	2nd week	
The Pas	Adult & Youth	Monday & Thursday	every week
	Trials	Tuesday	1st & 5th weeks
	Family	every Friday	
Thompson	Monday & Thursday		every week

Thompson Circuit Courts	Location	Sitting Frequency
	Lac Brochet	twice a year
	Brochet	once every 2 months
	Churchill	once a month
	Cross Lake	once a month
	Island Lake	held at Garden Hill once every 2 months
	Garden Hill	once every 2 months
	Gillam	once a month
	God's Lake Narrows	3 times a month
	Lynn Lake	once a month
	Leaf Rapids	once a month
	Nelson House	once every 6 weeks
	Norway House	3 times a month
	Oxford House	once a month
	Poplar River (Poplar Point)	once every 6 weeks
	Pukatawagan	once a month
	St. Theresa Point	twice a year as required
	Shamattawa	once a month
	South Indian Lake	once every 2 months
	Split Lake	once every 6 weeks
	Waasagomach	once a year as required

Treherne	Monday	2nd week
Virden	Every Thursday	

COURT SITTINGS

Court schedules may require changes at any time. For specific case information or confirmation of times, please contact the appropriate court office.

MANITOBA COURT OF APPEAL SITTINGS

July & August	The Court of Appeal sits by special arrangement only.
September - June	The Court of Appeal sits on a daily basis for a seven week schedule, with sittings suspended for the eighth week. Contact the court office for specific information.

MANITOBA COURT OF QUEEN'S BENCH

The Court of Queen's Bench sits during the months of July and August only by special arrangement.

Winnipeg

408 York	Daily Monday-Friday	Court daily schedule posted on Main and 2nd floors. Contact appropriate office for specific information.

Rural

Brandon	Sittings every week beginning 2nd week of January Motions-uncontested-every Monday 10 a.m. Motions-contested-every Monday 2 p.m. Trials-civil & criminal- dates as assigned Assignment Court-2nd Tuesday each month 9:30 a.m. Bail reviews/Estreatal applications/Summary Conviction appeals -2nd Tuesday each month 10:00 a.m., or as assigned Pre-trial conferences- every Tuesday, Wednesday & Thursday commencing at 9:00 a.m., or as assigned
Dauphin (week of)	Feb 20, 27/ Mar 6, 27/ Apr 10/ May 8, 22/June 19 Criminal Assignment-first Tuesday each month Motions-every second Wednesday (beginning Feb 8) Divorces- Thursdays as scheduled (Jan 5/Feb 9/Mar 9/Apr 6/ May 11/ June 8)
Flin Flon	3rd Tuesday & Wednesday each month
Minnedosa	Last Wednesday each month
Morden	Wednesday sitting-specific dates (Jan 25, Mar 1, Mar 29, Apr 26, May 24, June 28)
Portage la Prairie (weeks of)	Jan 30/ Feb 6, 20, 27/ Mar 13, 20/ Apr 10, 17, 24/ May 15, 22/ June 5,19
Selkirk	2nd Thursday each month
St. Boniface	2nd and 4th Fridays (except March-Fri. 10th & Wed. 22nd)

Steinbach	No Queen's Bench sittings
Swan River	First Monday each month (except Jan-sitting is on 23rd)
The Pas	First week of each month
Thompson (weeks of)	Jan 16,23,30/ Feb 6,13/ Mar 13/ Apr 10/ May 8/ June 12

MASTERS, REFEREES & REGISTRARS IN BANKRUPTCY

The Masters sit daily in Winnipeg at 408 York (The Law Courts), and do not usually hold sessions in the rural areas.

Family Law	Child Protection	Wednesday & Friday 9:30 a.m.
	Enforcement	Monday 2:00 p.m. Thursday 9:30 a.m. & 2:00 p.m.
	Contested Adjournments	Tuesday 9:30 a.m.

Other matters are scheduled and heard as required. Contact the office for specific information.

SMALL CLAIMS COURT-WINNIPEG

Monday - Thursday	9:00 a.m., 10:00 a.m. & 2:00 p.m.
Friday a.m.	9:00 a.m. & 10:00 a.m.
Friday p.m.	Weddings are scheduled for the afternoon by appointment at least one week in advance.

SMALL CLAIMS COURT-RURAL

Most sittings commence at 10:00 a.m. or 2:00 p.m. Check with the specific court office for confirmation of sittings and times.

Beausejour	2nd Thursday each month
Brandon	July & August-no sittings Sept-Dec every Wednesday (some sittings are a.m. only)
Boissevain	Last Thursday each month
Dauphin	July & August -no sittings. Sept- Dec as scheduled (Sept 12, 26/ Oct 3, 24/ Nov 14, 28/ Dec 5, 19)
Flin Flon	3rd Friday each month
Killarney	2nd Tuesday ach month
Minnedosa	First Thursday each month
Morden	Last Wednesday each month
Portage la Prairie	Scheduled twice a month around regular Queen's Bench sittings
Russell	3rd Thursday each month
St. Boniface	Every Monday plus sittings by arrangement to accomodate demand

Steinbach	Last Friday each month
Swan River	2nd Thursday each month
The Pas	Every 2nd Friday
Thompson	2nd Wednesday each month (public cases) 2nd Friday each month (Credit Bureau cases)
Virden	3rd Tuesday every month

PROVINCIAL COURT-Winnipeg

Winnipeg		
408 York	Daily	Daily schedules are posted at each location.
151 Princess	Daily	Contact appropriate office for specific
373 Broadway	Daily	information.

PROVINCIAL COURT-Rural

Boissevain	Monday of the 2nd week	
Souris	Monday of the 3rd week	
Melita	Monday of the 4th week	
Minnedosa	1st, 3rd & 5th tuesday 2nd Wednesday for trials only in Minnedosa or Neepawa	
Virden	Every Thursday	
Killarney	1st & 3rd Friday	
Neepawa	2nd Friday	
Dauphin	Adult	Every Tuesday
	Youth	Every 2nd & 4th Wednesday
	Family	Every 1st & 3rd Monday
	Trials and preliminaries are set for balance of week.	
Roblin	Adult & Youth	Every 3rd Thursday
Swan River	Adult	1st, 2nd & 4th Wednesday
	Youth	1st, 2nd & 4th Wednesday
	Family	Last Monday each month
Russell	Adult	Every 3rd Wednesday
	Youth & Family	1st Monday of each month
Rossburn	Adult, Youth	2nd & 4th Tuesday every month

Court Functions - Quick Reference

Location of Court	Civil Action	Criminal Action	Probate Filing	Non-Jury Trial(civil)	Jury Trial
Beausejour	•				
Brandon	•	•	•	•	•
Dauphin	•	•	•	•	•
Flin Flon	•			•	
Killarney	•				
Minnedosa	•			•	
Morden				•	
Portage la Prairie	•	•	•	•	•
Russell	•				
Selkirk	•			•	
Swan River	•			•	
The Pas	•	•	•	•	•
Thompson	•	•		•	•
Virden	•				
Winnipeg	•	•	•	•	•

Note: "Non-jury Trials" refers only to civil actions

Beausejour
Court of Queen's Bench (Filing Centre Only)
Provincial Court (Criminal- Young Offenders)
Magistrate Court

Brandon
Court of Queen's Bench
Provincial Court (Criminal-Family- Young Offenders)
Magistrate Court

Dauphin
Court of Queen's Bench
Provincial Court (Criminal-Family- Young Offenders)

Flin Flon
Court of Queen's Bench
Provincial Court (Criminal-Family- Young Offenders)
Magistrate Court

Killarney
Court of Queen's Bench (Filing Centre Only)
Provincial Court (Criminal-Family- Young Offenders)
Magistrate Court

Minnedosa
Court of Queen's Bench
Provincial Court (Criminal-Family- Young Offenders)
Magistrate Court

Morden	Court of Queen's Bench Provincial Court (Criminal-Family- Young Offenders) Magistrate Court
Portage la Prairie	Court of Queen's Bench Provincial Court (Criminal-Family-Youth) Magistrate Court
Russell	Court of Queen's Bench (Filing Centre Only) Provincial Court (Criminal-Family- Young Offenders) Magistrate Court
St. Boniface	Court of Queen's Bench Provincial Court (Criminal)
Selkirk	Court of Queen's Bench Provincial Court (Criminal-Family- Young Offenders) Magistrate Court
Steinbach	Provincial Court (Criminal-Family- Young Offenders) Magistrate Court
Swan River	Court of Queen's Bench Provincial Court (Criminal-Family- Young Offenders) Magistrate Court
The Pas	Court of Queen's Bench Provincial Court (Criminal-Family- Young Offenders) Magistrate Court
Thompson	Court of Queen's Bench Provincial Court (Criminal-Family- Young Offenders) Magistrate Court
Virden	Court of Queen's Bench (Filing Centre Only) Provincial Court (Criminal-Family- Young Offenders) Magistrate Court

APPENDIX E

Statistics Provided

by Corrections Branch

MANITOBA CORRECTIONS - 1987

	TOTAL ADMISSIONS	NATIVES (APPROXIMATE)	
		NUMBER	%
YOUTH			
Alternative Measures	3142	952	30.3
Probation	1482	836	56.4
Open Custody	375	244	65.0
Secure Custody	215	131	60.9
ADULT			
Probation	2203	978	44.4
Prison (excluding PRC)	6405	3620	56.5
Prison for fine default (1988)	901	501	55.6
FINE OPTION			
(Adult & Youth)	7393	4450	60.2

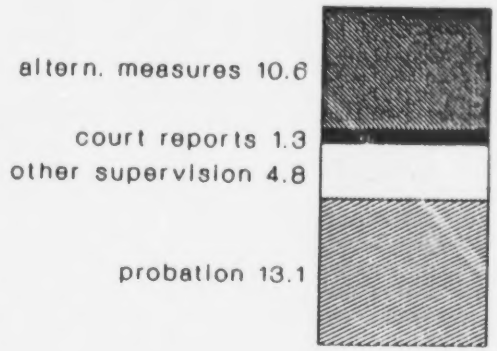
	NON-NATIVE	METIS	TREATY ON RESERVE	TREATY OFF RESERVE
Alternative Measures	70%	14%	10%	6%
Youth Probation	44%	17%	27%	12%
Adult Probation	58%	14%	17%	11%

Note: The number of aboriginal persons should be considered as approximate due to differences in the way these statistics were derived.

1988 - Number of admissions to the Various Youth Custody Facilities

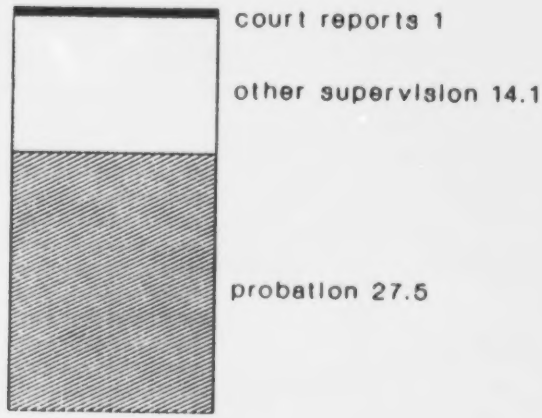
Community	M.Y.C. Pretrial		Secure Custody			Open Custody				
	# of Youth	Total # of Admiss	MYC	AYC	Total	MYC	AYC	O.C. Homes	Total	Total Admiss
Shamattawa	34	72	2	4		26		17		
God's Lake Narrows	13	32	10	5		10	4	9		
Oxford House	17	27	2	3		13	5	4		
Norway House	6	10		1		4	4	2		
Nelson House	6	7		1		2	1			
Thompson	24	46		1		11	3	6		
The Pas	12		4			4		2		
Pukatawagan	3	6	1			3	4	2		
God's River	11	19		2		5				
Lac Brochet	3	3		2		2				
Cross Lake	1	1				1	1			
Flin Flon	1		1	1						
South Indian	1					1	1			
Easterville	2									
Red Sucker Lake	2	2								
Lynn Lake	1	1				1				
Sheridan	1									
Brochet							1			
Garden Hill	1	1				1				
Split Lake	1	1								
Leaf Rapids	1	1								
Grand Rapids						1				
Moose Lake						1				
Wasagamack						1				
York Landing	1	2								

Manitoba Community and Youth Corrections
AVERAGE CASELOAD PER MONTH
PER PROBATION OFFICER IN 1988



29.8 YOUTH, and

Average caseload was 72.4 persons,

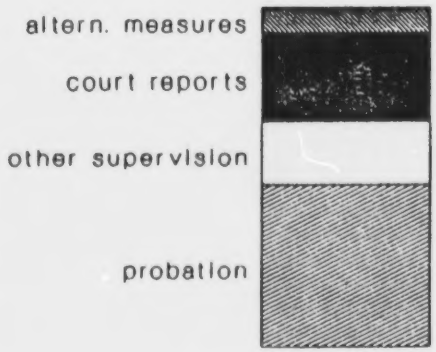


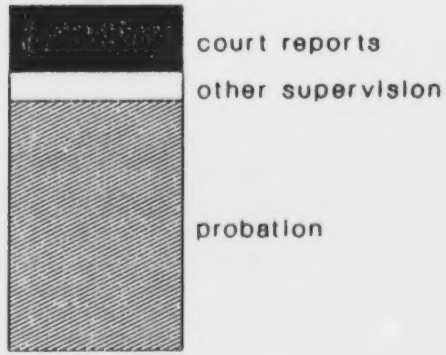
42.6 ADULTS.

In addition, p.o.'s worked closely with volunteers, fine option resource centres and other community groups.

Manitoba Community and Youth Corrections

How probation officers spent their time in 1987-88, based on workload formula.

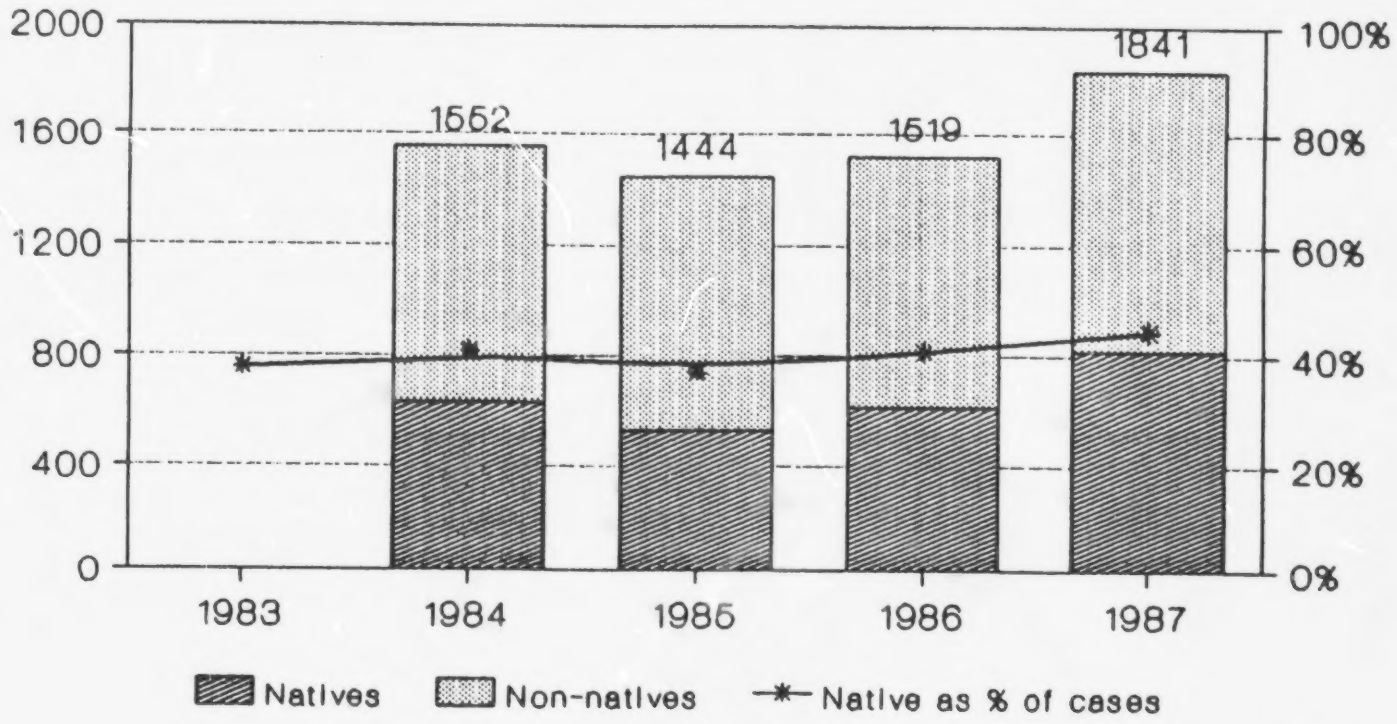




Youth: 49%, and Adults: 51% of time

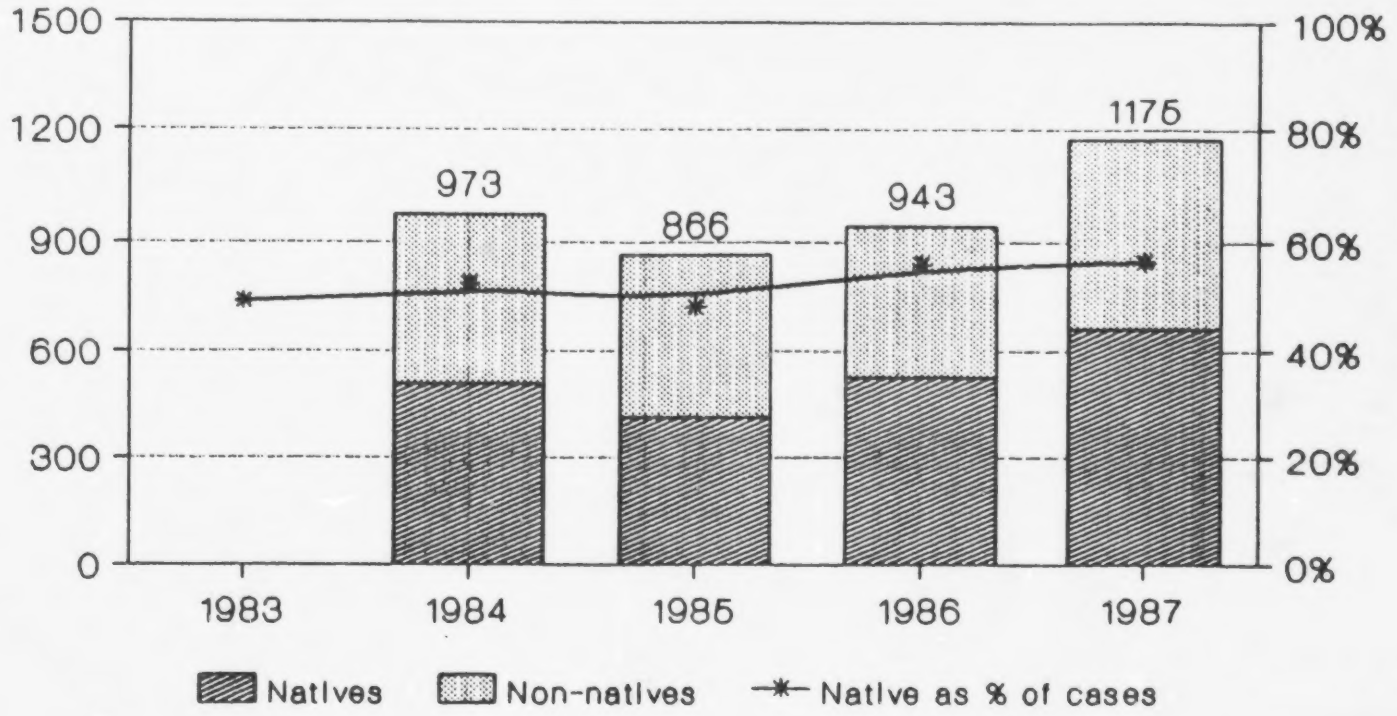
In addition, p.o.'s worked closely with volunteers, fine option resource centres and other community groups.

Manitoba Probation Supervision Trends
Adult Natives placed on probation, and Natives as a percentage of admissions.



Source:
Offender classification
admission statistics.

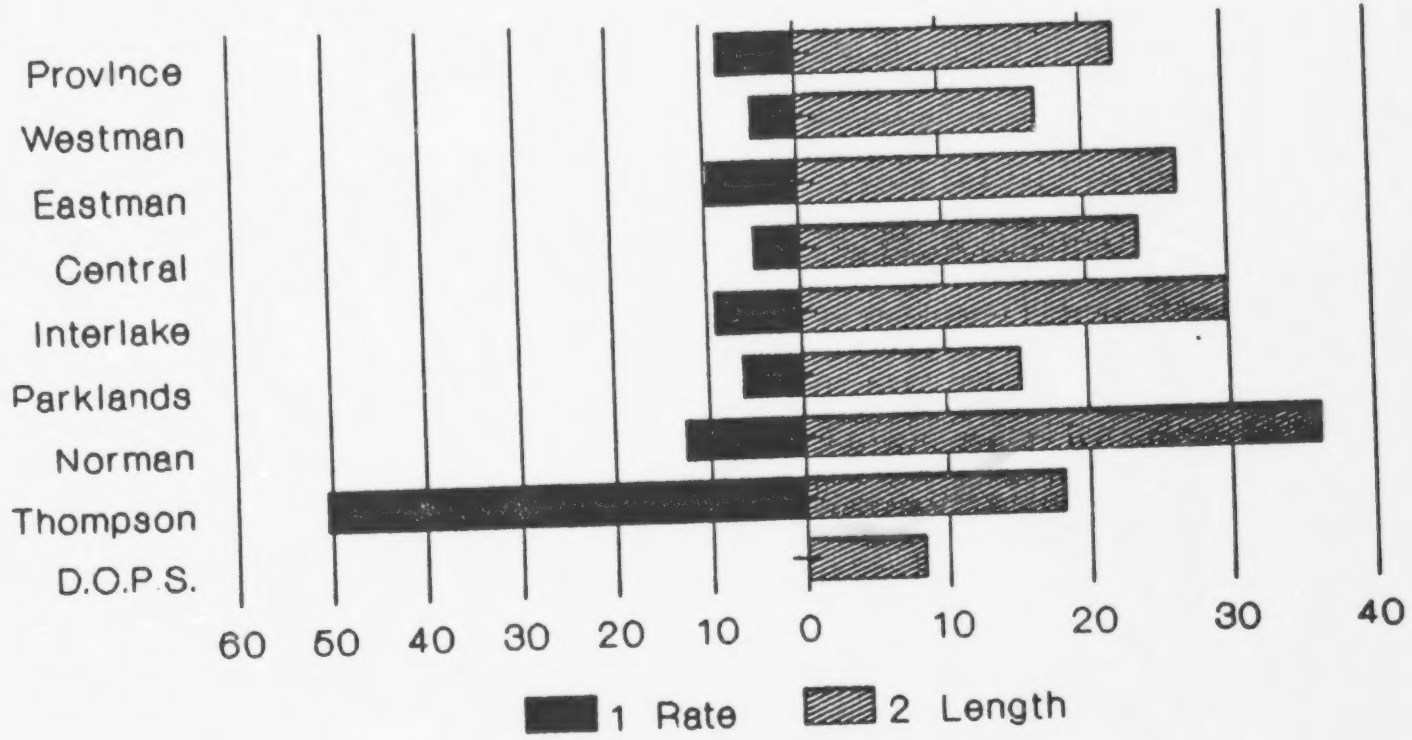
Manitoba Probation Supervision Trends
Native youth placed on probation, and
Natives as a percentage of admissions.



Source:
Offender classification
admission statistics.

Manitoba Youth Probation 1987

1 Number of youth on probation per thousand youth in general population



2 Percentage of probation orders of longer than twelve months

ALL SENTENCED ADMISSIONS TO ADULT CORRECTIONAL INSTITUTION IN 1988
FOR TOM JENNINGS

Crosstabulation: FTYP Fine Defaulter?
By ETH Ethnic Origin

	Count / Row Pct / Col Pct	NATIVE 1	Metis 3	Other 6	Row Total
FTYP					
1 Yes		376 41.7 21.6	125 13.9 23.6	400 44.4 20.9	901 21.5
2 No		1365 41.6 78.4	404 12.3 76.4	1512 46.1 79.1	3281 78.5
	Column Total	1741 41.6	529 12.6	1912 45.7	4182 100.0

Number of Missing Observations = 0

Table 14
Adult Correctional Institutions: Resident Population
Jan. 1 to Dec. 31 - 1987

Resident Population	Headingley	Brandon			Dauphin			The Pas			Portage	Remand Centre		Total
	M	M	F	Y	M	F	Y	M	F	Y	F	M	F	
To begin period[1]	370	110	-	1	47	1	1	66	4	-	26	144	3	773
Admissions	4760	1778	195	495	749	67	53	1638	119	88	373	14957	2200	27472
Releases	4778	1780	195	496	754	68	54	1657	123	88	368	14959	2192	27512
To end period	352	108	-	-	42	-	-	47	-	-	31	142	11	733
Intox. persons adm.	-	553	118	25	-	-	-	-	-	-	-	48	6	750
Total resident days[2]	152,610	48,025			16,992			28,737			12,825	72,836		33,2025
Avg. daily population[3]	404	124			44			74			34	151		831
Maximum population[4]	486	151			56			108			46	193		-
Minimum population[4]	280	78			29			47			24	109		-
Camps														
Total resident days	12,707							12,311						25,018
Avg. daily population	35							33						68

[1] Resident population at beginning and end of period is the total number of residents under the legal jurisdiction of each institution.

[2] Total resident days is derived by adding the population at midnight to those inmates released during the preceding 24 hours.

[3] Average daily population is the total number of residents in the institution at midnight divided by the days in the period.

[4] Maximum and Minimum Population counts the number of inmates present in the institution at midnight. These highs and lows do not necessarily occur on the same day and are, therefore, not additive.

NOTE: Admissions and releases in this table reflect the daily movement of inmates within the provincial correctional system and differ from those in subsequent tables which reflect the formal admissions to and releases from the provincial correctional system.

Table 15
Adult Correctional Institutions[1]
All Admissions[2] by Marital Status - 1987

Status	Headingley	Brandon	Dauphin	The Pas	Portage	Total
Single	1445	915	297	764	143	3564
Married	386	188	60	232	24	890
Widowed	22	24	22	15	13	96
Divorced	131	82	17	35	17	282
Separated	136	84	21	53	26	320
Common-law	581	318	117	172	62	1250
Unknown	2	1	-	-	-	3
Total	2703	1612	534	1271	285	6405

[1] This table excludes data for the Provincial Remand Centre.
[2] Includes offenders sentenced, remanded for trial and precourt residents.

Table 16
Adult Correctional Institutions[1]
All Admissions[2] By Education Level - 1987

Education Level	Headingley	Brandon	Dauphin	The Pas	Portage	Total
No formal education	18	4	3	26	2	53
To Grade 9	948	591	283	697	124	2643
To Grade 13	1516	865	230	481	127	3219
College	83	43	10	18	5	159
University	88	62	7	28	7	192
Unknown	50	47	1	21	20	139
Total	2703	1612	534	1271	285	6405

[1] This table excludes data for the Provincial Remand Centre.
[2] Includes offenders sentenced, remanded for trial and precourt residents.

Table 17
Adult Correctional Institutions[1]
All Admissions[2] By Age Group - 1987

Age Group	Headingley	Brandon	Dauphin	The Pas	Portage	Total
15 - 17	8	6	4	5	1	24
18 - 19	227	212	56	204	24	723
20 - 24	864	543	201	396	66	2070
25 - 29	606	328	118	256	70	1378
30 - 34	391	186	75	160	52	864
35 - 39	258	124	32	85	48	547
40 - 44	158	77	15	53	13	316
45 - 49	73	60	13	43	4	193
50+	118	76	20	69	7	290
Total	2703	1612	534	1271	285	6405

[1] This table excludes data for the Provincial Remand Centre.

[2] Includes offenders sentenced, remanded for trial and precourt residents.

Table 18

Adult Correctional Institutions[1]

Sentenced Offenders[2] By Most Serious Offence[3] - 1987

Offences	Headingley	Brandon	Dauphin	The Pas	Portage	Total
Murder, att. murder	2	2	-	2	1	7
Other homicides	4	7	1	5	2	19
Rape, other sex off.	86	34	19	38	2	179
Ass'lt/wound/kidnap.	239	82	41	236	22	620
Dang. subst./weapons	41	6	15	14	3	79
Robbery, extortion	50	14	5	7	6	82
Housebreak offences	284	79	55	94	9	521
Thefts and similar	215	70	12	52	34	383
Possess stolen goods	74	24	19	9	6	132
Fradulent offences	74	13	10	7	12	116
Drive dang./neglig.	57	12	9	3	1	82
Fail/ref. breathal.	103	15	14	12	5	149
Drive over .08 alc.	392	113	49	62	23	639
Drive susp./impair.	104	33	5	25	13	180
Other Cr. Code off.	227	85	38	131	30	511
Narcotics offences	158	23	6	27	15	229
Other fed. offences	34	7	4	3	6	54
Highway Traffic Act	176	61	19	23	5	284
Liquor Control Act	61	40	11	100	6	218
Other prov. offences	100	18	1	6	2	127
Municipal bylaws	13	22	-	1	2	38
Total	2,494	60	333	857	205	4,649

[1] This table excludes data from the Provincial Remand Centre.

[2] Also includes residents whose status changed to sentenced.

[3] Although individuals may be charged with multiple offences, only one offence has been tabulated for each sentenced offender.

Most serious offence was selected according to the following criteria:

1) If there were several sentences the offence selected would be that for which the heaviest punishment was awarded.
2) If the sentences were the same the offence selected is the more serious one as measured by the maximum penalty allowed by law.

Table 19

Adult Correctional Institutions[1]

Sentenced Offenders[2] By Length of Sentence[3] - 1987

Length of Sentence	Headingley	Brandon	Dauphin	The Pas	Portage	Total
Other or unknown	34	11	16	16	3	80
7 days and under	62	51	27	18	2	160
8 to 30 days	766	265	83	316	61	1491
31 - 60 days	356	112	33	110	29	640
61 to 90 days	260	45	43	80	23	451
91 to 120 days	285	56	29	82	28	480
121 to 180 days	116	28	20	76	21	261
181 to 270 days	226	72	32	63	19	412
271 to 365 days	155	43	29	42	9	278
366 to 455 days	80	19	5	19	2	125
456 to 545 days	36	10	3	9	1	59
546 to 729 days	118	48	13	26	7	212
Total	2,494	760	333	857	205	4,649

[1] This table excludes data for the Provincial Remand Centre.

[2] Also includes those residents whose status changed to "sentenced".

[3] Refers to aggregate sentence to be served for each time admitted.

Table 20

Adult Correctional Institutions[1]

Parole Certificates and Temporary Absences - 1987

Type	Headingley	Brandon	Dauphin	The Pas	Portage	Total
Full parole releases	117	63	29	24	22	255
Day parole certificates	68	35	-	-	2	107
Temporary absences[2]	964	408	182	559	148	2261
Total	1,149	506	211	583	174	2,623

[1] This table excludes data for the Provincial Remand Centre.

[2] This refers to numbers of temporary absences granted and not number of individuals receiving temporary absences.

Table 21

Adult Correctional Institutions

All Discharges[1] By Reason for Discharge - 1987

Reason for Discharge	Headingley	Brandon	Dauphin	The Pas	Portage	Provincial Remand Centre	Tot
Expiration of sentence	1936	380	183	667	155	120	34
Payment of fine	170	147	29	46	7	1152	15
By escort	5	17	4	187	-	92	3
On parole	117	63	29	24	22	2	2
Transfer to prov. inst.	145	220	111	132	77	1750	24
Transfer to fed. inst.	83	26	24	16	1	360	5
On own recognizance	2	211	10	20	3	5400	56
On appeal	40	1	-	5	-	-	4
On bail	29	81	12	8	4	1072	12
Released at court	98	441	126	154	2	830	16
To Immigration	7	-	-	-	-	19	2
Death	1	-	-	-	-	2	
Other	26	20	7	29	3	508	5
Total	2,659	1,607	535	1,288	274	11,307	17,67

[1] Includes those offenders sentenced, remanded for trial and precourt residents.

APPENDIX "A"

STATISTICS FOR ABORIGINAL JUSTICE INQUIRY

INSTITUTION	No. of Native Staff on Strength incl PT	No. of Natives Granted T.A.'s compared to total Institution	No. of Native Disciplinary Hearings compared to total Institution	Natives as % of all Admissions during 1987
The Pas	12 Native (15%) 82 Total	167 Native (89%) 185 Total	49 Native (94%) 51 Total	78%
PRC	3 Native (2%) 137 Total		1 Native 3 Total (Board established Jan./89)	Not available
HCI	5 Native (2%) 241 Total	331 Native (53%) 630 Total	172 Native (48%) 354 Total	42.6%
PCI	2 Native (6%) 31 Total	86 Native (58%) 148 Total	5 Native (66%) 8 Total	71%
DCI	5 Native (13%) 38 Total	57 Native (67%) 81 Total	5 Native (100%) 5 Total	63%
BCI	5 Native (5%) 96 Total	56% -	41% -	49%
MRCC	7 Native (7%) 98 Total	47 Native (53%) 89 Total	6 Native (42%) 14 Total	39% (as of Feb/89)

MANITOBA: OFFENDER CLASSIFICATION SYSTEM
ADULTS PLACED UNDER PROBATION SUPERVISION, 1987

(IN PERCENTAGES UNLESS OTHERWISE INDICATED)		Non-Native	Metis, Non-Status	Treaty, On Reserve	Treaty, Off Reserve
AGE UNDER 25		41.1	49.8	54.4	51.0
FEMALES		12.9	16.3	20.2	20.0
FAMILY OR MARITAL PROBLEMS NOTED		60.7	59.7	50.6	68.5
EMOTIONAL PROBLEMS NOTED		37.1	28.5	14.6	16.5
PROBLEMS WITH PEERS NOTED		39.9	61.1	53.7	62.0
DRUG OR ALCOHOL PROBLEMS NOTED		54.1	76.5	72.5	77.0
EDUCATION ACHIEVED - LESS THAN GRADE 9		18.9	33.9	51.6	37.5
UNEMPLOYED		33.9	55.2	54.2	61.0
UNSKILLED LABOURERS		32.9	52.9	48.4	57.5
RECEIVING PUBLIC WELFARE		23.1	53.4	70.0	60.5
NO VISIBLE MEANS OF SUPPORT		8.1	10.9	1.5	9.0
NO PREVIOUS CRIMINAL RECORD		39.6	21.7	33.2	21.0
AGE AT FIRST CONVICTION (IN YEARS)	MEAN	24.203	20.104	21.423	20.614
	MEDIAN	21	18	19	19
	MODE	19	18	19	19
NUMBER OF PREVIOUS CONVICTIONS	MEAN	4.245	6.446	3.090	4.712
	MEDIAN	1	3	1	2.5
	MODE	0	0	0	0
MOST SERIOUS OFFENCE (RATED ON SCALE)	MEAN	461.28	503.923	487.342	488.897
	MEDIAN	502	602	602	602
	MODE	604	602	604	604
LENGTH OF PROBATION ORDER IN MONTHS	MEAN	19.155	16.724	13.625	15.565
	MEDIAN	24	12	12	12
	MODE	24	12	12	12
CLASSIFIED MAXIMUM RISK		24.2	36.7	21.7	38.5
CLASSIFIED MEDIUM RISK		47.6	45.2	44.6	49.5
CLASSIFIED MINIMUM RISK		28.2	18.1	33.8	12.0
COMPLETED PROBATION SUCCESSFULLY		64.6	48.6	49.3	45.8
IF PROBATIONER COMMITTED ANOTHER OFFENCE WHILE ON PROBATION, HOW MANY MONTHS AFTER BEING PLACED ON PROBATION DID THIS HAPPEN?	MEAN	8.543	7.701	7.189	6.889
	MEDIAN	8	6	6	5
	MODE	6	3	6	5

MANITOBA: OFFENDER CLASSIFICATION SYSTEM
YOUTH PLACED UNDER PROBATION SUPERVISION, 1987

(IN PERCENTAGES UNLESS OTHERWISE INDICATED)		Non-Native	Metis, Non-Status	Treaty, On Reserve	Treaty, Off Reserve
AGE (IN YEARS)	MEAN	16.111	15.639.	15.746	15.724
	MEDIAN	16	16	16	16
	MODE	17	16	17	17
FEMALE		10.7	13.1	24.3	18.1
PARENTS ARE LEGAL GUARDIANS		75.0	65.6	74.9	68.1
FAMILY PROBLEMS NOTED		65.8	74.3	53.2	71.8
EMOTIONAL PROBLEMS NOTED		39.5	43.7	20.2	32.6
PROBLEMS WITH PEERS NOTED		73.0	84.7	78.9	85.5
DRUG OR ALCOHOL PROBLEMS NOTED		41.8	60.1	51.7	61.6
SOLVENT SNIFFING		0.2	1.6	9.9	7.2
EDUCATION ACHIEVED - LESS THAN GRADE 9		34.4	56.8	67.3	59.4
SCHOOL PROGRAMS NOTED		38.3	50.8	38.3	40.6
ATTENDING SCHOOL		59.6	53.6	49.7	50.0
NOT AT SCHOOL AND UNEMPLOYED		23.2	35.5	28.9	34.8
FAMILY ON PUBLIC WELFARE		10.0	37.2	41.2	39.9
NO PREVIOUS CRIMINAL RECORD		59.0	48.6	59.4	48.6
AGE AT FIRST CONVICTION (IN YEARS)	MEAN	15.018	14.177	14.667	14.294
	MEDIAN	15	14	15	14
	MODE	15	14	14	13
NUMBER OF PREVIOUS CONVICTIONS	MEAN	1.318	2.547	1.505	2.401
	MEDIAN	0	1	0	1
	MODE	0	0	0	0
MOST SERIOUS OFFENCE (RATED ON SCALE)	MEAN	486.018	514.972	504.667	526.635
	MEDIAN	603	603	604	604
	MODE	604	702	604	604
LENGTH OF PROBATION ORDER IN MONTHS	MEAN	13.010	12.432	12.874	12.014
	MEDIAN	12	12	12	12
	MODE	12	12	12	12
CLASSIFIED MAXIMUM RISK		20.3	37.7	23.1	43.5
CLASSIFIED MEDIUM RISK		59.0	50.3	50.9	43.5
CLASSIFIED MINIMUM RISK		20.7	12.0	26.0	13.0
COMPLETED PROBATION SUCCESSFULLY		52.1	34.9	42.8	37.8
IF PROBATIONER COMMITTED ANOTHER OFFENCE WHILE ON PROBATION, HOW MANY MONTHS AFTER BEING PLACED ON PROBATION DID THIS HAPPEN?					
	MEAN	6.624	6.449	6.036	5.707
	MEDIAN	6	5	5	4
	MODE	3	4	3	2

COMMUNITY AND YOUTH CORRECTIONAL SERVICES

revised February 27, 1989

ATTRIBUTION OF COSTS AMONG SERVICES for the 1987-88 fiscal year

SUMMARY OF EXPENDITURES: 1987-88 fiscal year

Youth institution salaries (SC1)	$6,884,722.19
Institt maintenance and depreciation	$1,272,741.20
Other institutional expenditures (SC2)	$1,337,514.89
Community corrections salaries (SC1)	$5,279,136.54
Other community corr. expenditures (SC2&3)	$2,130,871.50
Children's Forensic Service	$205,600.00
Employee benefits (at 14.13%)	$1,718,753.24
TOTAL	$18,829,339.56

Note: These calculations do not include:
(a) Senior government administration/management costs.
(b) Rent/lease costs for community corrections offices.

ANALYSIS OF CUSTODY COSTS

	Manitoba Youth Centre	Agazssiz Youth Centre	Custody homes	TOTAL
Salaries	$4,544,221.16	$2,340,501.03		$6,884,722.19
Employee benefits	$642,098.45	$330,712.80		$972,811.25
Maintenance/depreciation	$960,641.75	$312,099.45		$1,272,741.20
Other institutional expenditures	$951,915.55	$385,599.34		$1,337,514.89
Escorts	$177,865.05	$99,455.51	$40,377.87	$317,698.44
Portion of custody support costs	$200,585.98	$216,047.66	$183,018.10	$599,651.74
Payments to operators of homes			$656,982.64	$656,982.64
TOTAL	$7,477,327.94	$3,684,415.79	$880,378.62	$12,042,122.35
Total "custody days"	58525	32725	13286	104536
PER DIEM COST"	$127.76	$112.59	$66.26	$115.20

ANALYSIS OF COMMUNITY CORRECTIONS COSTS

	Total expenditures	Number of service units	Cost per service unit	Definition of service unit
YOUTH SERVICES				
Alternative measures	$231,864.53	3171	$73.12	per person
Interim release assessments	$10,814.78	91	$118.84	per assessment
Interim release supervision	$77,723.80	654	$118.84	per month of supervision
Psychiatric, psychological reports	$223,586.53	60	$3,726.44	per report
Pre-disposition reports	$770,765.39	1410	$546.64	per report
Post-disposition community super.	$1,629,424.30			
Fine option	$79,122.39	1099	$71.97	per person
C.s.o./compensat'n order	$92,592.20	2241	$41.32	per month of supervision
Probation supervision	$1,457,709.70	16629	$87.66	per month of supervision
(sub-total)	$2,944,179.33			
ADULT SERVICES				
Interim release supervision	$156,260.54	6180	$25.28	per month of supervision
Pre-sentence reports	$626,418.22	1091	$574.17	per report
Post-disposition community supervision				
Fine option	$452,968.66	6294	$71.97	per person
Community service orders	$107,295.91	3427	$31.31	per month of supervision
Probation supervision	$2,418,789.19	31334	$77.19	per month of supervision
Temporary absence	$7,450.98	30	$248.37	per month of supervision
(sub-total)	$3,769,183.50			

PROBATION SUPERVISION	ADULT	YOUTH	COMBINED
Cost per month of supervision (calculated above)	$77.19	$87.66	$80.82
Mean length of probation orders in 1987 (months)	17.28	12.80	15.53
Total cost per probationer	$1,333.97	$1,121.76	$1,255.49

COMMUNITY AND YOUTH CORRECTIONS

PROGRAM	DESCRIPTION	PROGRAM START DATE	LOCATION &/OR STAFFING LEVELS	TOTAL COSTS (BASED ON 87-88 FISCAL YEAR)	# OF NATIVES SERVES	PROGRAM EVALUATION
Community Participation Agreements (C.P.A.'s)	A community participation agreement is a formal agreement between Manitoba Correction and community organizations designed to involve mainly remote communities in the delivery of community correctional programs. C.P.A.'s allow for a diversity of functions to be carried out at the local level. These functions include alternative measures; victim-offender mediation; report preparation/information gathering; community supervision and crime prevention.	84-85	God's River - 1 P.T. worker Oxford House - 1 P.T. worker Nelson House - 1 P.T. worker Pukatawagan - 1 P.T. worker Waywayseecappo - 1 P.T. worker Fairford - 2 P.T. worker Lake Manitoba - 1 P.T. worker Beren's River - 1 P.T. worker Bloodvein - 1 P.T. worker Little Grand - 1 P.T. worker Fort Alexander - 1 P.T. worker	$ 3,600 10,000 10,000 10,000 8,100 7,900 4,800 2,500 1,000 3,000 1,000	15 cases/mos. 50 cases/mos. 20 cases/mos. 35 cases/mos. 15 cases/mos. 17 cases/mos. 15 cases/mos. 4 cases/mos. 2.5 cases/mos. 5.5 cases/mos. 1.5 cases/mos.	In past 18 months - available on request Yes Yes Yes New CPA New CPA New CPA New CPA
Honorary Probation Officer (H.P.O.)	Honorary Probation Officers live within the communities they serve and are responsible for processing alternative measures, providing community supervision to offenders and acting as a liaison to Community Corrections staff. For their services they receive a stipend ($20-$30 per case) for a maximum of 5 cases per month.	1970's & 80's	Grand Rapids - 1 H.P.O. Moose Lake - 1 H.P.O. Easterville - 1 H.P.O. Poplar River - 1 H.P.O. Fort Alexander - 1 H.P.O. Little Black River - 1 H.P.O. Hollow Water - 1 H.P.O. Seymourville (non-status) - 1 H.P.O. Manigotagan (non-status) - 1 H.P.O. Pauingassi Reserve - 1 H.P.O. Pelican Narrows - 1 H.P.O. Shamattawa Reserve - 2 H.P.O.'s St. Lazar (non-status) - 1 H.P.O.	1,200 1,200 1,200 1,200 1,200 1,200 1,200 1,200 1,200 1,200 1,200 2,400 1,200	5 cases/mos. 5 cases/mos. 5 cases/mos. 5 cases/mos. 5 cases/mos. 5 cases/mos. 5 cases/mos. 5 cases/mos. 5 cases/mos. 5 cases/mos. 10 cases/mos. 5 cases/mos.	H.P.O.'s and V.P.O.'s are evaluated on an individual basis

PROGRAM	DESCRIPTION	PROGRAM START DATE	LOCATION &/OR STAFFING LEVELS	TOTAL COSTS (BASED ON 87-88 FISCAL YEAR)	# OF NATIVES SERVES	PROGRAM EVALUATION
Honorary Probation Officer, continued...			Brochet - 2 H.P.O.'s Norway House - 7 H.P.O.'s Cross Lake - 4 H.P.O.'s Split Lake - 3 H.P.O.'s South Indian Lake - 1 H.P.O. Garden Hill - 2 H.P.O.'s Fox Lake Band - 2 H.P.O.'s God's Lake Narrows - 2 H.P.O.'s Pelican Rapids - 1 H.P.O.	$ 2,400 8,400 4,800 3,600 1,200 2,400 2,400 2,400 1,200	10 cases/mos. 35 cases/mos. 20 cases/mos. 15 cases/mos. 5 cases/mos. 10 cases/mos. 10 cases/mos. 10 cases/mos. 5 cases/mos.	
Voluntary Probation Officer (V.P.O.)	The Voluntary Probation Officer program is similar to the H.P.O. program, however, unlike the latter, V.P.O.'s do not receive a stipend for their services.	1970's & 80's	Lake Manitoba - 2 V.P.O.'s Water Hen - 1 V.P.O. Ebb & Flow - 1 V.P.O. Camperville - 1 V.P.O.	NIL		N/A
Community Justice Committees (C.J.C.)	A community justice committee is a group of citizen volunteers who have been formally established to assist in the administration of justice and in the operation of a program or services to offenders. Committee members represent a cross-section of the community serviced. Functions and activities vary from one community to another and include such things as crime prevention; public education; program planning; development and implementation; administration of alternative measures, mediation, community service orders, fine option.	84-85 Prior to Y.O.A. - some restitution committees.	Norway House - inactive South Indian Lake - inactive Grand Rapids - 9 members Moose Lake - inactive Easterville - 6 members Shamattawa - inactive Oxford House - inactive Roseau River Res. - 7 members Ebb & Flow Res. - 7 members Hallard Res. - 7 members Peguis Res. ┐ jointly running Fisher River ┘ committee of 18 members Crane River - under development Wi Chi Whey Wen (Winnipeg) - 8 members Little Grand Rapids - under development	There are no direct costs associated with C.J.C.'s. However, in the '87-'88 fiscal year $778 was spent to host appreciation events for some of the communities listed. As well, Community Corrections staff devote a considerable number of hours in helping to establish training and maintaining committees.	--- --- 8 cases/mos. --- 5 cases/mos. --- --- 3 cases/mos. 2 cases/mos. 2 cases/mos. 9 since Sept. '87	None available

PROGRAM	DESCRIPTION	PROGRAM START DATE	LOCATION &/OR STAFFING LEVELS	TOTAL COSTS (BASED ON 87-88 FISCAL YEAR)	# OF NATIVES SERVES	PROGRAM EVALUATION
Open Custody	Open custody homes are a sentencing custody alternative that permit eligible young offenders to be placed in individualized, single-family dwelling homes in the community. Custody homes are screened, approved and monitored in accordance with provincial policies, regulations and standards.	1985	Of the 13 open custody homes throughout the province, several homes are operated by native families. Of the latter, two are located in Thompson and three are located in Winnipeg. Since the program's inception an additional 23 homes were utilized of which 11 were native operated homes.	Total cost of open custody community facility program is $700,000.	Vast majority (75-80%) of youth placed in open custody homes are native.	Evaluations of each home are completed on a yearly basis.
Probation Officers Living in Native Communities	Manitoba Corrections employs 4 permanent full-time and 4 part-time term probation officers who live in native communities.	1981	God's Lake - 1 full-time probation officer who also serves Oxford House, God's River Norway House - 1 full-time probation officer who also serves Cross Lake Peguis - 1 full-time probation officer who also serves Jackhead, Fisher River, Fairford & Little Saskatchewan Roseau River - 1 full-time p.o. Moose Lake - 1 P.T. Easterville - 1 P.T. Grand Rapids - 1 P.T. God's Lake - 1 P.T.	$ 30,000 $ 30,000 $ 30,000 $ 30,000 $ 10,000 $ 10,000 $ 10,000 $ 10,000	127 cases/mos. 92 cases/mos. 39 cases/mos. 35 cases/mos. 17 cases/mos. 19 cases/mos. 18 cases/mos. assists full-time probation officer	Performance appraisals of individual staff are completed on a yearly basis.

It should also be noted that Manitoba Community Corrections employs native probation officers who are located in various urban centres.

PROGRAM	DESCRIPTION	PROGRAM START DATE	LOCATION &/OR STAFFING LEVELS	TOTAL COSTS (BASED ON 87-88 FISCAL YEAR)	# OF NATIVES SERVES	PROGRAM EVALUATION
Dakota Ojibway Probation Services (D.O.P.S.)	In an agreement between the Government of Manitoba and the Dakota Ojibway Tribal Council, responsibility for Probation and other Community Correctional Programs on member reserves was turned over to D.O.P.S. for a fourth year ending June 19, 1989.	June, 1985	Dakota Ojibway Probation has three staff who service the communities of Oak Lake, Sioux Valley, Bird Tail, Dakota Plains, Long Plain, Swan Lake and Sandy Bay.	$ 83,500 To be matched by federal contribution of $83,500.	Refer to p.4 of attached audit.	Yes, see attached.
Fine Option/ Community Service Order Contracts	The Fine Option Program enables all Manitobans to work off fines through the performance of unpaid community work. In some cases, a judge may order a person to perform a certain number of hours of unpaid community work through Community Service Orders. To facilitate these programs, contracts have been entered into between Manitoba Corrections and various community organizations throughout the province.	1983	Manitoba Corrections has 54 contracts with reserves and 24 Métis communities to oversee the completion of Fine Option/ Community Service Orders.	$ 280,000 in contract fees, plus staff and operational costs.	In 1987, 54% of the F.O.P./ C.S.O. registrants were of native ancestry. (44% Treaty/ Non-treaty, 10% Métis)	Extensive evaluation completed in 1987. Available on request.

AGASSIZ YOUTH CENTRE - NATIVE PROGRAMMING

GRAM	DESCRIPTION	PROGRAM DATES	TOTAL COSTS PER YEAR	# OF NATIVES SERVED
th and Elder Conferences	Portage la Prairie Friendship Centre sponsors conferences providing opportunity for interaction and sharing between Native elders and youth.	Annual	Nil	40 (approx.)
ive Pow-Wow ebrations	Local Reserves sponsor Pow-Wows reflecting Native festival themes.	Annual	Nil	40 (approx.)
ive Alcohol and g Education Program	Native-run substance abuse program in Portage la Prairie provides both on and off campus services (NADEP).	Ongoing	Nil	40 (approx.)
ive Cultural reness Program	Ken Ward of the Portage la Prairie Friendship Centre provides a weekly presentation of native culture and folklore to each cottage in rotation.	Ongoing, Weekly	Nil	100%
ive Cultural reness Program	Carole Noel, Juvenile Counsellor I, provides regular presentation of native culture and folklore to residents in Beta Cottage.	Ongoing	$500.00 (approx.)	15 - 20
ive Spiritual gram (Elder)	A Native Elder has been occasionally engaged to minister to native youth as a part of the Agassiz Youth Centre chaplaincy program.	begun in mid-seventies	$35 per attendance $1000 (approx.)	40 (approx.)
ve Cultural reness	A Residential Youth Care Worker Certificate Program course. The program is designed for those working with adolescents in a residential setting. This course explores cultural issues. The participant gains an awareness of a variety of cultures and learns ways to integrate cultural values into the work sensitive.	November, 1988	$6000 (approx.)	12 staff
thern Natives Group	Cree speaking native residents are placed in one resident group with a view to building skills and supports to enable them to return to their home communities as agents for positive change amongst their peers in the community.	Ongoing	Institutional Costs = 1/8 X Total budget ie. 359.4	15(approx.)

Dec 6/88

GRAM	DESCRIPTION	PROGRAM START DATE	TOTAL COSTS BASED on 87-88 Fiscal Year	# of natives served
e Skills from awi Chi Itata tre	Volunteers attend at Willow Centre to teach the females in Open Custody some Life Skills.	1986 - 87	NIL	15
ive Culture	Native volunteer attended at M.Y.C. to speak with the resident on culture and folklore.	1986 - 87	NIL	20
mer Program	Residents were taken to the Native Friendship Centre and had the opportunity to discuss life on the reserve and participate in programs.	1988	$1,000.00	6
ive Alcohol	Program teaches abstention from alcohol, native spirituality, and culturally appropriate programs for native youth.	1984 - 88	NIL	12
.R.E. - Centre Native Youth	Community Program facilitation for native youth released on bail, and in open custody.	1987 - 88	NIL	1 per month
Ceremony	Lyle Longclaws attended on several occasions and conducted a pipe ceremony with the girls in Open Custody. This was followed up with for several months by Sam Musgua a volunteer from MaMaWi Chi Itata.	1987	NIL	15
e	A social worker from MaMaWi Chi Itata has worked one on one with a native child around the issues of abuse.	1988	NIL	1
ural Awareness rkshop	All aspects of Native Culture and Spirituality presented over four days by MaMaWi Chi Itata.	Nov. 7-10/88	$ 200.00	5 youth & 1 staff
Skills & urally Appro-te Placements	Native lady provides life skills training and community programming for children in open custody.	October 1988	Unavailable	2 - 3 per week
Solomon - from Sudbury rio	Mr. Solomon has explained and demonstrated the Sacred Circle on two occasions to youth at M.Y.C.	1986 - 87	Nil	30 - 40
Shaffley	Native volunteer who attends the Fellowship program at M.Y.C. and speaks with the youth.	1987 - 88	NIL	40 per week

DGRAM	DESCRIPTION	PROGRAM START DATE	TOTAL COSTS BASED ON 87-88 FISCAL YEAR	# of natives served
ria Tekakwitha ch	Native Church where youth from Open Custody can attend each week. M.Y.C. has also recruited volunteers from the Church for youth in Open Custody.	1986 - 88	NIL	# Unavailable
ural Programs	Native singer Tom Jackson has performed on several occasions for the youth at M.Y.C.	1986 - 87	NIL	120
ve Employment ices	Employment and training program for native youth 18+. Several of our youth in the Open Custody Work Education program have been through this service.	1986 - 88	NIL	3
C. Religious ram	Two native pastoral workers regularly with visit the youth at M.Y.C.	1987 - 88	NIL	40 per week
ve Education	Staff training programs offered as part of the Residential Youth Workers' Certificate program from Red River Community College.	1985	$3,500.00	
ve Education erence	Annual conference sponsored by Manitoba Education, Native Education Branch. Presentations on programs for native youth such as music, careers, nutrition,etc. As well as how to teach natives & types of curriculum that is best suited for native students.	1985 - 1988	$ 900.00	
h & Elder shop	Program by the Native Alcohol Council of Manitoba attended by M.Y.C. staff.	1987	200.00	
Children, Our ity, Our Future erence	Conference on the future of native people and their culture. Coordinated by MaMa Wi Chi Itata Centre. This workshop focused on Aboriginal spiritual traditions & teachings. These views of traditions were presented from various teachers, re-source persons & Elders from the Aboriginal community.	June 1986	200.00	
e Awareness ie	Presented by Lyle Longclaws. This course focuses on contemporary trends within Aboriginal Society for wareness purposes. It looks at assimulation, separation & integration issues. As well as profiles the Aboriginal Society within Manitoba.	October 1988	600.00	
Cultural ness	A Residential/Community Youth Worker Certificate program course. The program is designed for those working with children and/or adolescents in a residential setting. This course explores cultural issues. The participant gains an aware-ness of a variety of cultures & learns ways to integrate cultural values into the work setting.	November 1988	$8,200.00	
	MANITOBA YOUTH CENTRE EMPLOYS 15 FULL TIME & PART TIME NATIVE STAFF			